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General Assembly
Fiftieth Session

Official Records

123rd plenary meeting
Monday, 9 September 1996, 3 p.m.
New York

President: Mr. Freitas do Amaral ..... (Portugal)

The meeting was called to order at 3.25 p.m.

Agenda item 120 (*continued*)

Scale of assessments for the apportionment of the expenses of the United Nations (Article 19 of the Charter) (A/50/888/Add.9)

The President: In a letter contained in document A/50/888/Add.9, the Secretary-General informs the President of the General Assembly that, since the issuance of his communications dated 28 February, 6 March, 3, 11, 16, 23 and 25 April, 10 May and 29 August 1996, Guinea, Latvia and Madagascar have made the necessary payments to reduce their arrears below the amount specified in Article 19 of the Charter.

May I take it that the General Assembly duly takes note of this information?

It was so decided.

The President: I wish to inform members that an error has been made in document A/50/888/Add.9. Dominica should not have been included in the list of countries cited.

The correction will be reflected in the final version of document A/50/888/Add.9.

Agenda item 8 (*continued*)

Adoption of the agenda and organization of work

Request for the resumption of the consideration of agenda item 65 (Comprehensive test-ban treaty) submitted by Australia (A/50/1024)

The President: As members are aware, I have contacted the Chairmen of the regional groups regarding my intention to convene today's meeting. In the light of the results of the consultations, the Assembly, this afternoon, will consider the request contained in a letter dated 22 August 1996 from the Permanent Representative of Australia to the United Nations addressed to me, which was circulated in document A/50/1024.

In his letter, the Permanent Representative of Australia asks that the General Assembly meet in plenary session, beginning 9 September, to consider and take action on a comprehensive nuclear test-ban treaty, pursuant to its resolution 50/65 of 12 December 1995. In that resolution, the General Assembly declared its readiness to resume consideration of agenda item 65, as necessary, before its fifty-first session in order to endorse the text of a comprehensive nuclear-test-ban treaty.

May I take it that the General Assembly wishes to resume consideration of agenda item 65, entitled "Comprehensive test-ban treaty"?

It was so decided.

96-86159 (E)

This record contains the original text of speeches delivered in English and interpretations of speeches delivered in the other languages. Corrections should be submitted to original speeches only. They should be incorporated in a copy of the record and be sent under the signature of a member of the delegation concerned, *within one month of the date of the meeting*, to the Chief of the Verbatim Reporting Service, Room C-178. Corrections will be issued after the end of the session in a consolidated corrigendum.

The President: May I also take it that the General Assembly agrees to proceed immediately to the consideration of agenda item 65 in plenary meeting?

I see no objection. We will then proceed accordingly.

Agenda item 65 (*continued*)

Comprehensive test-ban treaty

Draft resolution (A/50/L.78)

Letter from the Permanent Representative of Australia to the United Nations (A/50/1027)

The President: In connection with agenda item 65, the Assembly has before it a draft resolution issued as document A/50/L.78, which is now being distributed to delegations.

I call on the representative of Australia to introduce draft resolution A/50/L.78.

Mr. Butler (Australia): Eighteen days ago, I wrote to you, Mr. President, asking that arrangements be made for the General Assembly to meet today to resume consideration of item 65 of the agenda of its fiftieth session: "Comprehensive test-ban treaty". I am grateful to you and the Assembly for agreeing to this request.

What is at issue is fulfilment of a promise, a promise made among ourselves and to the international community for over 30 years, a promise we are now able to keep.

Thirty-three years ago the limited test-ban Treaty was done. Twenty-two years ago the threshold test-ban Treaty was done. Today the Assembly has the opportunity to adopt and open for signature a comprehensive nuclear-test-ban treaty (CTBT). This treaty will establish and enshrine, for all time, the obligation that there shall not be

> "any nuclear weapon test explosion or any other nuclear explosion" *(A/50/1027, p.7)*.

The negotiation of this treaty has been neither an easy nor a perfect process. And its arrival at this Assembly, this unique Assembly of States, has, of necessity, taken a particular form. These facts and their meaning need to be clearly understood.

The Charter of the United Nations assigns to the General Assembly the authority and responsibility to consider and make recommendations to Member States on

> "the general principles of co-operation in the maintenance of international peace and security, including the principles governing disarmament and the regulation of armaments".

In the exercise of this authority, the Assembly has repeatedly and during the last three years unanimously, called for the multilateral negotiation of a comprehensive nuclear-test-ban treaty, and it has reaffirmed that the achievement of a comprehensive nuclear-test ban was

> "one of the highest priority objectives of the international community in the field of disarmament and non-proliferation" *(resolution 50/65, second preambular paragraph)*.

The task of conducting that negotiation was assigned to the Conference on Disarmament in Geneva. That action rested upon very precise legal and political relationships.

The Conference on Disarmament was established by the General Assembly. It is an integral part of the United Nations system. It accepts political guidance from, and reports to, the General Assembly. Its budget is approved by the General Assembly.

In the specific case of a nuclear-test ban, the General Assembly called upon the Conference, also unanimously, to conclude a comprehensive nuclear-test-ban treaty so as to enable its signature by the outset of the fifty-first session of the General Assembly.

The Conference operates in terms of the principle of consensus and agreed negotiating mandates for each of the items on its agenda, when such agreement proves possible.

During the last three years — and I repeat carefully, the years in which the Assembly has unanimously called upon the Conference to conclude its negotiations on a comprehensive nuclear-test-ban treaty — the Conference has worked on the basis of a mandate for its negotiating committee on a CTBT in which it undertook to seek to ensure that the treaty would

> "contribute effectively to the prevention of the proliferation of nuclear weapons in all its aspects, to the process of nuclear disarmament and therefore to

the enhancement of international peace and security" *(A/49/27, p. 8, para. 1)*.

Twenty days ago the Conference completed its work on the text of the treaty, but one of its Member States withheld agreement to the treaty text and also to the report of the negotiating committee being forwarded to this Assembly.

I want to place on record our view of this state of affairs.

We utterly respect and defend the right of any State to form its sovereign view and to act on it. That right is basic to the structure of law found in the Charter of the United Nations. Disagreement on matters of substance is irrelevant to the sanctity of that principle. But what we cannot accept is the extension of a national point of view to the point of seeking to prevent others from acting on theirs.

The treaty negotiated in the Conference was agreed to by all others in the Conference. It is wanted, opened for signature, by a substantial number of Member States of the United Nations and, indeed, by other States. It does meet the criteria set forth in the Conference's own mandate, which I cited a few moments ago. It does fulfil the request made to the Conference repeatedly and unanimously by the General Assembly.

The action taken to bring the treaty to this Assembly, notwithstanding the attempt to prevent that from taking place, is consistent with the fundamental relationship between the Assembly and the Conference. Were such action not possible, that is, in response to particular or exceptional circumstances, we would have created a situation where the General Assembly had shed its authority to a less-than-universal body whose establishment it caused, whose charge is to work in terms consistent with the guidance given by the Assembly, and to which it reports. This would be of questionable legality and, clearly, political nonsense.

The key consideration in this instance is what I have just called the "particular or exceptional circumstances". These are what we have faced.

The particular circumstances are that this treaty is overwhelmingly agreed to. It is wanted now. All relevant mandates have been fulfilled, especially that of this Assembly.

The exceptional circumstance is that one Member State has vetoed the transmission of the treaty from the Conference on Disarmament to the General Assembly.

Particular or exceptional circumstances cannot and should not set a precedent, and we insist that these should not.

Without in any way detracting from this essential point, we note that in virtually all past instances, multilateral treaties comparable to CTBT have in fact been submitted to the General Assembly for appropriate action.

We unreservedly reaffirm our support for the work and operating procedures of the Conference on Disarmament.

We are deeply grateful for the work it has so thoroughly done on this occasion and for the treaty it has produced. The efforts of the chair of the Ad Hoc Committee on a Nuclear Test Ban during the last year, Ambassador Jacob Ramaker of the Netherlands, and those of his predecessors in the first two years of the negotiations, are particularly recognized and deeply appreciated.

On the treaty text itself, we recognize that it has been the subject of much give and take. We know that few, if any, would not have preferred it to be different in some respects. But it is the treaty text accepted by so very many States, and not least by all of those — all of those — that have conducted nuclear explosions, with the exception of India.

Major further tasks remain in the field of nuclear disarmament, and they must be pursued. This treaty will clearly facilitate, and not, as is sometimes suggested, hinder that pursuit.

I now turn to the text of the draft resolution, which I have the honour to submit to the Assembly on behalf of its 126 sponsors. In addition to the 121 names that appear on the copy of the text that has been distributed in the Hall, I would ask the Assembly to note the names of Bahrain, Qatar, Sao Tome and Principe, Thailand and Zaire — a total, at present, of 126.

The core of this simple draft resolution is the adoption by the General Assembly of the text of a comprehensive nuclear-test-ban treaty and its opening for

signature at United Nations Headquarters, at the earliest possible date.

The treaty text circulated to the Assembly for this purpose is identical — identical — to that negotiated by the Conference on Disarmament. Any suggestion that it is a merely national text would be wrong.

Adoption of this draft resolution would see the opening for signature of this text just two weeks from now. By this action, the General Assembly would fulfil its expressed determination to do this by the outset of the fifty-first session of the General Assembly.

Given the irreducible value of this action and the detail and balance of the negotiations which have brought us to this point, the sponsors urge adoption of this draft resolution without change. Our task is that of the political conclusion of what has been exhaustively negotiated. We ask for deep reflection upon the milestone in history that this action would lay down: agreement that there shall never again be nuclear explosions.

The sponsors urge all present in this room to support this draft resolution, in favour of all humanity.

Mr. Sha Zukang (China) (*interpretation from Chinese*): Today, the delegations of many countries have gathered at this solemn forum of the United Nations to consider and adopt the comprehensive nuclear-test-ban treaty (CTBT). The event itself is of major historic significance. The international community, and especially the non-nuclear-weapon States, has long aspired to a comprehensive nuclear-test ban. The international community has been striving for this goal for almost 40 years, ever since the first nuclear-test-ban resolution was adopted by the General Assembly. Thanks to the unremitting efforts of the world community, the goal of a comprehensive nuclear-test ban is finally within reach. We are confident that the resumed session of the General Assembly will make the correct decision and turn the dream of a nuclear-test ban into reality.

The Chinese Government has always stood for the complete prohibition and thorough destruction of nuclear weapons, as well as a comprehensive ban on nuclear testing within this framework. On this basis, China responded positively to the reasonable call of the non-nuclear-weapon States and made an unequivocal political decision to participate in the comprehensive test-ban-treaty negotiations in an active, serious and responsible manner. In order to ensure the timely conclusion of the treaty, the Chinese delegation showed flexibility and compromise on almost all its key provisions and made essential contributions to the negotiations.

The CTBT will be the first international legal instrument comprehensively to ban nuclear weapon test explosions or any other nuclear explosions everywhere and in all environments. This will surely facilitate the process of nuclear disarmament and the prevention of nuclear-weapons proliferation, thereby enhancing international peace and security. Needless to say, such a treaty is in the common interest of the entire world community. We hope that the treaty can be opened for signature as soon as possible and will be universally acceded to and implemented.

A nuclear-test ban is not in itself the ultimate objective. It is one step towards the complete prohibition and thorough destruction of nuclear weapons. We hold that the international community should continue to promote nuclear disarmament. Such a process should include urging the major nuclear-weapon States to abandon their policy of nuclear deterrence and drastically further reduce their nuclear stockpiles; encouraging all nuclear-weapon States to undertake not to be the first to use nuclear weapons and not to use or threaten to use nuclear weapons against non-nuclear-weapon States or nuclear-weapon-free zones; demanding States with nuclear weapons deployed outside their borders to withdraw these weapons; a commitment by all countries to refrain from developing and deploying space-weapon systems or missile-defence systems that would undermine strategic security and stability; and finally, the negotiation and conclusion of an international convention on the complete prohibition and thorough destruction of nuclear weapons.

As for the CTBT text, China frankly, is not entirely satisfied. First, the treaty makes no reference to the objective of concluding an international legal instrument on non-first-use and non-threat of use of nuclear weapons, nor to the conclusion of an international convention on the complete prohibition and thorough destruction of these weapons. Secondly, on the issue of a triggering basis for on-site inspections, it fails to draw the necessary distinctions between the data and information from the international monitoring system and those from national technical means of verification. Thirdly, the decision-making procedure for on-site inspections was not formulated in the manner required for substantive matters. Fourthly, it is not proper to include the so-called "financial contribution" to the treaty organization as one of the criteria for membership of the Executive Council.

Despite these shortcomings, however, the treaty text largely and objectively reflects the course of the negotiations over the past two and a half years and is therefore generally balanced. China supports the treaty text as contained in document A/50/1027 and the adoption by the General Assembly of the draft resolution in A/50/L.78.

Meanwhile, the Chinese delegation regrets the fact that the Conference on Disarmament was not able to reach a consensus on the CTBT text. The current practice of by-passing the Conference on Disarmament and directly transmitting the treaty text to the General Assembly should not set a precedent and should not affect in any way the decision procedure of the Conference on Disarmament.

Mr. Relang (Marshall Islands): I have the honour to make this statement on behalf of the Chairman of the South Pacific Forum, President Amata Kabua of the Republic of the Marshall Islands. As a cosponsor of the draft resolution before us, the Marshall Islands has, like so many other concerned countries, decided that this Assembly must take action in accordance with the pledge contained in our resolution 50/65 of 12 December 1995. That is why we support the text contained in document A/50/1027 as the text for a comprehensive nuclear-test-ban treaty; this text should, in our view, go forward.

Like many other countries, the Marshall Islands has specific concerns, which, as a non-member of the Conference on Disarmament, we have not been able to pursue there. But we are willing to refrain from suggesting amendments and we hope that others will show flexibility. This position has been affirmed by the Heads of State and Government of the member States of the South Pacific Forum, who met in Majuro, Marshall Islands last week. We are pleased to see that all the Forum members of the United Nations have also become cosponsors.

Last year is characterized in our minds as a very difficult time for the peoples of the Pacific Islands. In spite of our ardent appeals, a number of nuclear devices were exploded in our region. We are still concerned with the environmental impact that these explosions have had or may have in the future. In this regard, we are eagerly awaiting the results of the preliminary study that is being undertaken in French Polynesia this summer.

But the outcome of allowing the tests is now clear. At the expense of our peoples and the pristine environment of the Pacific, through our involuntary sacrifice, the international community has attained the compliance of the five acknowledged nuclear-weapon States never to test these weapons again.

We have hoped that our painful sacrifice would be seen as an example to others that we should speed up the process of nuclear disarmament. It is our firm conviction that the most effective way to end nuclear testing is through the conclusion of a universal and internationally and effectively verifiable comprehensive test-ban treaty (CTBT). The early conclusion and entry into force of a CTBT is vital to the well-being of present and future generations of the entire international community. The cessation of all nuclear tests, by constraining the development and qualitative improvement of nuclear weapons and ending the development of advanced new types of weapons, constitutes an effective measure of disarmament and non-proliferation in all its aspects. Accordingly, we support the opening for signature of a CTBT at the United Nations, regardless of whether this can be achieved by consensus. Furthermore, it is important that countries that were severely affected by nuclear testing play a role in the 51-member Executive Council being envisaged under the CTBT framework to oversee all aspects of the implementation of the Treaty. In this regard, I wish to announce that the Marshall Islands stands ready to present its candidacy for that Council, once established.

We should recall the Advisory Opinion tendered by the International Court of Justice on the legality of the threat or use of nuclear weapons and declare that all members of the international community should consider themselves bound by the obligation, expressly recognized by the Court, to pursue in good faith and bring to a conclusion negotiations leading to nuclear disarmament in all its aspects under strict and effective international control. Marshall Islands is strongly of the view that total nuclear disarmament must occur as soon as possible and that the obligation recognized by the Court extends to the conclusion and entry-into-force of a CTBT as well as to the signature and ratification by all nuclear-weapon States, not only the declared but also the undeclared, of the South Pacific Nuclear-Free Zone Treaty.

As I alluded to earlier, the Pacific region has been the scene of extensive nuclear-weapons testing and radiation has entered the environment and atmosphere shared by all the countries in our region. Marshall Islands has suffered extensive radiation contamination, which has adversely affected the quality of health of the people and the environment with its continuing legacy of illness, deformity, death and exile. All these man-made effects

are contrary to all humanitarian principles and indeed to the Charter of this Organization and its various organs.

The international community should pursue the entry-into-force of the CTBT to ensure that the terrible tragedy of nuclear testing will never again be visited upon the people of the world. Indigenous peoples have suffered disproportionately as a result of nuclear-weapons testing in the Pacific region and therefore have a special interest in the cessation of all testing and in redress for all health and environmental loss and damage resulting from such testing. Global cooperation will be necessary to ensure that nuclear testing no longer threatens the lives and livelihoods of present and future generations.

The call for a total ban of nuclear tests does not diminish the urgency of addressing conclusively the persistent health and environmental effects of past tests. My delegation wishes to reiterate the view reflected in the report of the 1995 Review and Extension Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons that there is a special responsibility towards those peoples of the former Trust Territories that have been adversely affected as a result of nuclear-weapons tests conducted during the period of the trusteeship. This responsibility includes the safe resettlement of displaced populations and the restoration of affected areas to economic productivity. We have to renew the call to all Governments and international organizations that have expertise in the field of clean-up and disposal of radioactive contaminants to give appropriate assistance for remedial purposes when requested by affected countries.

The Government of the Marshall Islands has recently learned that the damage caused by the tests in the Marshall Islands is far greater than that originally disclosed by the responsible party. It may be the case that half of our population has been affected in some way. The costs at our current level of knowledge make it very hard properly to treat and care for the people who have radiation-related illnesses. We are grateful to the Clinton Administration for its progressive disclosure of previously classified information and we wish to see our cooperation continue. My delegation wishes to express profound disappointment that the responsible party has not yet fully redressed, in accordance with its full responsibility, all health and environmental consequences resulting from the effects of radiation released by all 67 weapons detonated in the air, on the shores and in the lagoons of the Marshall Islands. We have appealed on countless occasions for action to be taken, but our requests have not been addressed fully up until now. Immediate and decisive steps need to be taken by that responsible party to redress fully all medical, environmental, social, economic and other loss and damage resulting from its nuclear-weapons-testing programme.

We base our position on this question upon the view that our peoples have sacrificed enough and that the reward must be a total ban on testing nuclear weapons. It was partly at our expense that these nuclear Powers rose to their current level of expertise, if one can call it that. We feel that we are now entitled to demand that a final end be made to the madness of the nuclear race and the irresponsible testing of these weapons. We are moving into a time of unprecedented cooperation in all fields and between all peoples. The CTBT must be finalized as a major step towards confidence building and as an immediate safeguard against proliferation. We implore those that seek to hold up this process for technical or even substantial reasons to take another close look at the treaty before us. If a sovereign State feels that it cannot sign this treaty, then it is its right not to do so. All we can do is try to show, by way of example, what we feel is the right thing to do. We hope that this process will not be blocked and that the greater interest of solidarity between all peoples shall prevail.

The President: Before calling on the next speaker, I should like to propose, if there is no objection, that the list of speakers in the debate on this item be closed today at 5 p.m.

It was so decided.

The President: I therefore request those representatives wishing to participate in the debate to inscribe their names on the list as soon as possible.

Mr. Campbell (Ireland): I have the honour to speak on behalf of the European Union.

The following associated countries — Bulgaria, Cyprus, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Romania, the Slovak Republic and Slovenia — align themselves with this statement. Iceland, Liechtenstein and Norway have also aligned themselves with this statement.

The draft resolution just introduced by the Permanent Representative of Australia and which all the member States of the European Union and those States associated with this statement have co-sponsored represents the international community's determination to

bring to completion one of the most sought-after non-proliferation and disarmament measures in the history of this Organization. This treaty offers a historic opportunity to have an instrument that bans all nuclear-test explosions for all time.

The question of the halting of nuclear testing has long been a major preoccupation of this Assembly and of the work of the Conference on Disarmament. In 1994, the General Assembly put aside earlier differences and unanimously mandated the Conference on Disarmament to negotiate a multilateral nuclear-test-ban treaty, to the conclusion of which all parties to the negotiation declared their commitment.

The treaty we have before us today in document A/50/1027 represents the outcome of those negotiations. Earlier in this session of the General Assembly, the Member States of the United Nations, by resolution 50/65, adopted without a vote on 12 December 1995, decided that a draft treaty should be completed in time for presentation to this fiftieth session of the United Nations General Assembly.

This text constitutes a treaty by which the international community represented in the United Nations can commit itself to the cessation of all nuclear-weapon-test explosions and all other nuclear explosions, and contains a verification mechanism that can adequately provide the international community with the assurances that no such future explosions are taking place.

For the European Union, this treaty represents a concrete measure in the spirit of article VI of the Non-Proliferation Treaty and as envisaged by the document on Principles and Objectives for Nuclear Non-Proliferation and Disarmament, adopted at the 1995 Review and Extension Conference of the Parties to that Treaty. It follows from our commitment to the ultimate goal of the elimination of nuclear weapons and of general and complete disarmament under strict and effective international control. And we believe that the moment must now be taken to adopt this treaty which the United Nations has unremittingly sought to achieve. The treaty, concluded after long and arduous negotiations, represents the compromises characteristic of any multilateral instrument of this importance. It contains all essential provisions to ensure that this comprehensive test-ban treaty (CTBT) achieves precisely those objectives that its title calls for.

While the European Union regrets that the Conference on Disarmament was not in a position to transmit the text of the treaty to the General Assembly, it is resolved to ensure that this will not diminish or impair the role of the Conference as the principal negotiating forum in the field of disarmament. In consequence, we do not view the approach taken in the adoption of this resolution as establishing a precedent.

The CTBT is not the end of the process. There is a need for further systematic and progressive efforts towards nuclear disarmament and non-proliferation. This Assembly has consistently stat d that a CTBT was the next essential step in any process of nuclear disarmament and non-proliferation. Now, at the moment of truth, this treaty must be given its due place in that process.

In resolution 50/65 the United Nations General Assembly set itself the task of adopting the CTBT at this session. The draft resolution submitted to us today by the Permanent Representative of Australia and sponsored now by 126 Member States allows the General Assembly to adopt the treaty, enables the Secretary-General as Depositary to open the treaty for signature at the beginning of the fifty-first session of the General Assembly, and paves the way for the CTBT to be brought into force.

The European Union therefore calls on all Member States of the United Nations to adopt this draft resolution as presented in document A/50/L.78, which is before this Assembly, and, by so doing, enable the opening for signature of the draft treaty as contained in document A/50/1027, one of the most important multilateral nuclear non-proliferation and disarmament measures concluded by the international community to date.

A comprehensive test-ban treaty — the long-sought goal of our Member States and peoples — is now within our grasp. We must seize this moment to make it a reality.

Mr. Bune (Fiji): Fiji is honoured and privileged to co-sponsor draft resolution A/50/L.78, which has just been introduced by the Ambassador of Australia and which is before this Assembly, calling for the adoption, *inter alia*, of a comprehensive nuclear-test-ban treaty as contained in document A/50/1027 — committed and dedicated as we are to a nuclear-free South Pacific in a nuclear-free world and to secure and lasting peace on Earth.

Fiji and the other States in the South Pacific region have constantly, consistently and strongly opposed nuclear

testing in our part of the world. Our collective protests and actions over the years led to the establishment of the South Pacific Nuclear-Free-Zone Treaty, under which nuclear States, among other things, would refrain from stationing nuclear weapons in the region and from testing nuclear devices in the region.

It is our contention that nuclear testing in the South Pacific has affected the health of all people in the region, has affected wildlife and the environment, and will continue to do so for generations to come.

Global nuclear testing can also have similar disastrous effects globally. The time has come when nuclear testing on our planet should be banned totally and eternally.

But of course the threat to life and the environment is but one dimension of the multidimensional nuclear issue. The whole purpose of testing nuclear weapons is to either ensure their effectiveness in mass destruction or make them more effective, to produce more nuclear weapons, and to stockpile more nuclear weapons.

The nightmare of a possible nuclear holocaust has led to extreme concern in our world and to concerted action on the part of many to create a nuclear-free world. The United Nations Organization, of which we are a Member, has been in the vanguard of international efforts to create a nuclear-free world. Over 35 years, this Assembly has adopted a plethora of resolutions on the prohibition of the use of nuclear weapons. The latest effort has been the Conference on Disarmament, which concluded in Geneva recently without a consensus being reached on allowing a draft comprehensive test-ban treaty to go forward for endorsement by the United Nations General Assembly at its fifty-first session.

It was with dismay and sadness that we learned that the negative posture of a few countries in Geneva stemmed the tide — represented by the vast majority of countries attending the Conference on Disarmament — for agreeing to the text of the comprehensive test-ban treaty (CTBT).

The draft CTBT text represented a major and historic achievement by the international community. It involved more than two and a half years of intensive negotiations and embodied many commitments and compromises. What is more, the draft text attracted the support of all five nuclear-weapon States, as well as of an impressive group of non-nuclear-weapon States.

Fiji's fervent hopes, the fervent hopes of all nation States committed to a nuclear-test-ban treaty, nuclear non-proliferation and a nuclear-free world, and the fervent hopes of all peace-loving nations in our world for agreement on the text of the draft comprehensive nuclear-test-ban treaty were dashed to the ground as a result of the failure of the Geneva meeting.

Fiji believes that the sad events in Geneva represented a very serious setback for global efforts to advance our ultimate vision of nuclear disarmament, nuclear non-proliferation and a nuclear-free world.

Fiji will not allow the failure in Geneva to stifle our efforts to conclude a CTBT. The nations of the world that are committed to secure and lasting peace cannot allow the failure in Geneva to stifle the efforts to conclude a CTBT. We must act where the Geneva Conference failed. We must continue the process set in motion by the Conference on Disarmament. What better forum is there to do so than at this resumed fiftieth session of the United Nations General Assembly?

Fiji urges all the Member States of this international Organization represented here today to support the draft resolution contained in document A/50/L.78. Fiji will be among the first States to ratify and sign the comprehensive test-ban treaty.

The adoption of the comprehensive test-ban treaty, in the words of the late United States President John Fitzgerald Kennedy, is not a victory for one side or the other; it is a victory for all mankind.

Mr. Amorim (Brazil) (*interpretation from Spanish*): I have the honour to address this plenary meeting of the General Assembly on behalf of the members of the Southern Cone Common Market — Argentina, Paraguay, Uruguay and Brazil — and of Bolivia and Chile, in order to express the support of our Governments for the draft resolution under consideration, which aims at the adoption of the comprehensive nuclear-test-ban treaty (CTBT) by the General Assembly. As co-sponsors of the draft resolution, we are pleased to note that it has commanded significant and widespread support.

We are encouraged by the new opportunities for progress in the field of non-proliferation and disarmament, especially nuclear disarmament, opened after the end of the cold war. The CTBT is a long sought objective of the international community. Members of

nuclear-weapon-free zones, in particular, assign particular importance to it.

The complete cessation of nuclear tests forever is in itself a great achievement. It should lead to new and decisive measures towards nuclear disarmament, paving the way to a world free of nuclear weapons.

During the negotiation of the nuclear-test-ban treaty at the Conference on Disarmament, the overwhelming majority of countries expressed support for the conclusion of that treaty. While the draft resolution before the General Assembly may not address all concerns, it does encompass the unprecedented commitment to stop nuclear explosions forever.

We stress the primary responsibility of the nuclear-weapon States in this regard. A firm commitment on their part to the definitive cessation of nuclear tests, as well as to nuclear disarmament, will serve the interests of the international community and help the cause of disarmament and non-proliferation in all their aspects. In pursuit of these objectives, we should take advantage of this singular opportunity and adopt the CTBT now.

Mr. Razali (Malaysia): Despite the exclusivity of the membership of the Conference on Disarmament, which Malaysia strongly protests, Malaysia views the Conference as the competent multilateral negotiating forum on disarmament matters.

Accordingly, we had expected that the Conference on Disarmament would have endeavoured to resolve all outstanding obstacles pertaining to the comprehensive test-ban treaty (CTBT). Instead, we are now faced with the unusual procedure whereby a member State of the Conference is submitting for adoption by the General Assembly at this resumed session, on behalf of a number of countries, the draft text of a treaty that was not unanimously adopted by the Conference. We are concerned that such an approach might undermine the competence of the Conference on Disarmament, a specialized body.

Malaysia regrets that, in spite of two and a half years of intensive negotiations, the Conference on Disarmament was not able to reach a consensus on the draft treaty. This reveals a lack of political will and an inability to forge a compromise among the negotiating parties concerned, in spite of their professed common goal of nuclear disarmament. Malaysia had hoped that every effort would have been made to accommodate the concerns of every member of the Conference and to arrive at a compromise text acceptable to, or at the very least acquiesced to by all Conference members, so as to ensure its acceptance by all States, in the interest of the universality of the treaty.

Malaysia regrets that the legitimate concerns of many States members of the Conference on Disarmament, many of which Malaysia shares, have not been given the serious consideration they deserve. Rather than being dismissed out of hand, they should have been addressed and dealt with. That this did not take place strikes a discordant note and casts an unfortunate pall on the CTBT process.

With regard to the draft treaty presented to this Assembly today, Malaysia finds the text essentially flawed. It is deficient in scope and falls short of our expectations, as well as those of many countries. It does not place itself within the overall process of nuclear disarmament. The preamble of the draft treaty should have been formulated in more robust and positive language, reaffirming in clear and unambiguous language the commitment of States to the total elimination of nuclear weapons within a time-frame. Instead, it is couched in language which is feeble and uninspiring, perhaps deliberately so, in order to cater to the interests of only one group of States — the nuclear-weapon States. The preamble of the draft treaty would have been the appropriate place for a reaffirmation of the aforementioned commitment, which clearly ought to be one of the principal purposes of the treaty.

The fact that the attempts of many non-nuclear-weapon States to incorporate that commitment into the preamble were effectively blocked by the nuclear-weapon States raises questions about the latter's attitudes and intentions, particularly as to the seriousness of their commitments to nuclear disarmament. It gives rise to the impression, not unreasonable, that the nuclear-weapon States desire nothing more than the preservation of the status quo, whereby they would maintain their exclusive monopoly of nuclear weaponry, while making every effort to block others from acquiring them on the grounds of preventing horizontal nuclear proliferation.

Many non-nuclear-weapon States shared that suspicion when the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) was extended indefinitely last year. It was for this reason that Malaysia was strongly against the indefinite extension of the NPT.

The position of the nuclear-weapon States on the CTBT serves only to reinforce the impression that the

club of nuclear-weapon States is arrogating to itself the rights and privileges of permanent possession of nuclear weapons to use as an apparatus of absolute power, while denying others the same sovereign rights and privileges that it claims for itself.

The CTBT should be seen as a step, albeit a very important one, towards the attainment of genuine nuclear disarmament ushering in a world that will be completely free of nuclear weapons. That ultimate goal ought to be predicated on the non-proliferation of nuclear weapons not only horizontally, but also vertically. If the NPT is seen as an essential instrumentality to achieving horizontal nuclear non-proliferation, then the CTBT is the process by which vertical proliferation will be curbed. Yet when, under tremendous pressure, the non-nuclear-weapon States Parties to the NPT went along reluctantly with the Treaty's indefinite extension, there was no reciprocal spirit of accommodation on the part of the nuclear Powers with respect to the CTBT.

It is not without reason that many non-nuclear-weapon States view with cynicism the so-called "good-faith" undertaking of the nuclear-weapon States to continue negotiations on nuclear disarmament, as enjoined by the NPT. With an indefinitely extended NPT already in hand and a CTBT favourable to the nuclear-weapon States now in the offing, there is a very clear impression that the club of nuclear countries is manipulating the entire nuclear disarmament process to serve its own agenda. The draft text as currently presented renders the test-ban treaty less than comprehensive, as it keeps the door open for other forms of testing, including laboratory testing and simulations, which will not put a complete halt to the qualitative improvement of nuclear weapons but merely circumscribe it through testing by other, technically more sophisticated means.

Malaysia also shares the concerns of many non-nuclear-weapon States about other deficiencies of the draft treaty, notably article XIV pertaining to the entry-into-force provisions of the treaty. In the view of my delegation, this is a major, perhaps fatal flaw of the draft treaty which, far from strengthening the treaty, will only serve to weaken or, indeed, render it legally inoperative. This article makes entry into force conditional on ratification by each and every one of the 44 States listed in Annex 2 of the treaty. This article, in our view, is an entirely unrealistic and short-sighted provision for the simple reason that it will allow a State that is unhappy with the treaty to block its entry into force. By giving that State what amounts to a veto power, it will prevent the treaty from becoming fully operative in the future. Could it be that the stubborn insistence on this provision by those concerned is designed to ensure that the treaty will never actually come into force? This may appear to be an unfair and cynical imputation of the motives of the States concerned, but, in the face of such an unrealistic provision in this article, the question bears asking.

At the same time, another provision of the said article could create an unnecessarily contentious situation in which one negotiating member State of the Conference on Disarmament might interpret or misinterpret — whatever the case may be — the said provision to imply the use of threats against it in an effort to secure its ratification of the treaty. This provision creates an unnecessary legal and political encumbrance to the treaty which further complicates rather than facilitates the process of consensus-building among the members of the Conference on Disarmament.

However, despite the imperfections referred to above, Malaysia can neither understand nor support those countries that are staying out of the treaty, using these imperfections as an excuse to promote their nuclear aspirations. In the final analysis, these countries must, like the nuclear-weapon States, be made to understand the international disapproval of their policy or inclination to promote their national agendas through the doctrine of nuclear deterrence.

Notwithstanding its reservations on the weaknesses and deficiencies of the draft Treaty, Malaysia would not want to be part of any effort that would further undermine or inflict a fatal blow to the treaty. Flawed as the draft treaty is, Malaysia would join others in supporting the draft resolution before us so that the draft treaty can be accepted by an overwhelming majority of this Assembly. Malaysia does so in the belief that this treaty, however imperfect, could serve as an essential instrument in stopping or at least inhibiting nuclear testing as we know it, which in itself is an important goal to be attained. The treaty would provide a much-needed impetus towards more serious efforts in nuclear disarmament, which the international community should rededicate itself vigorously to pursuing now and in the future. In our view, the treaty, along with other positive achievements in the nuclear disarmament process, such as the Advisory Opinion of the International Court of Justice, which the General Assembly ought to welcome at its fifty-first session, could be important foundation stones upon which to build a strong and permanent edifice for the total elimination of nuclear weapons.

We trust that the nuclear-weapon States will take into account the strongly-felt views expressed by the non-nuclear-weapon States in this Assembly and undertake to engage in serious and renewed efforts in the fulfilment of their legally-binding treaty obligations, particularly under Article VI of the NPT, which obligations the International Court's Advisory Opinion recently pronounced to be important for them to fulfil. We would urge them seriously to consider the proposed programme of action for the elimination of nuclear weapons jointly submitted by 28 non-aligned and neutral countries members of the Conference on Disarmament on 7 August, 1995, which Malaysia strongly supports.

We earnestly hope that all States — including those that might stay out of the treaty, which we hope would be a temporary measure — will strive to ensure the early ratification of the CTBT. Indeed, Malaysia would urge the country or countries staying out of this treaty soberly to rethink their position and would remind them of their responsibility not to precipitate a nuclear arms race between them, which might well unravel this treaty. We would urge them to abandon the path of nuclear armament and instead join the international community in the efforts to construct a new structure of global security through the phased reduction of existing nuclear weapons, leading ultimately to their total elimination.

Mr. De Icaza (Mexico) (*interpretation from Spanish*): Mexico participated actively and constructively in the negotiations in the Conference on Disarmament to draft a comprehensive nuclear test-ban treaty that would be universal in scope and multilaterally verifiable and would contribute effectively to the process of nuclear disarmament and to preventing the qualitative, quantitative and horizontal proliferation of nuclear weapons.

It took us two and a half years to achieve a draft that, owing to differences regarding the purpose and objective of the treaty, did not receive the unanimous support of all negotiating delegations. To the very last, Mexico pursued efforts to arrive at solutions that would meet the pending legal and political concerns in order to give the treaty the universality that its subject matter deserved. Unfortunately, we did not meet with the hoped-for flexibility and are now called upon to speak on a text that does not incorporate each and every feature to which the international community aspired, as expressed in the mandate of the Conference on Disarmament, though it does at least extend to all spheres, including the subterranean, the ban on any nuclear weapon test explosion or any other nuclear explosion. Naturally, we would have preferred a complete ban on all kinds of tests on nuclear weapons. We understand that such a ban would have been difficult, if not impossible, to verify.

We trust in the good faith of the States that possess those arms and of those who are in a legal and technical position to conduct tests. They will undoubtedly respect the purpose of the treaty, which is and could be no other than to put a definitive end to the qualitative refinement of nuclear weapons and to the development of new, advanced types of such weapons. Continuing to test nuclear weapons by means other than nuclear explosions would run counter to the spirit of the treaty and would cancel out its contribution to non-proliferation.

The Government of Mexico understands, as the International Court of Justice affirmed on 8 July 1996, that all States are obligated in good faith to pursue and conclude negotiations with a view to nuclear disarmament in all its aspects, under strict and effective control. We reaffirm, as the General Assembly declared in its first special session devoted to disarmament in 1978, that

> "the cessation of nuclear-weapon testing by all States within the framework of an effective nuclear disarmament process would be in the interest of mankind." *(A/S-10/4, para. 51)*

Accordingly, on 8 August 1996, Mexico, along with 27 other delegations, submitted to the Conference on Disarmament a programme of action for the elimination of nuclear weapons in three phases, with a view to consolidating by the year 2020 a world free of those weapons, whose mere existence constitutes a danger to peace and a threat to humanity.

It is our understanding that the adoption and signature of the draft comprehensive nuclear-test-ban treaty (CTBT) are indispensable to reversing the arms race. These initial steps would facilitate the institutionalization of negotiations with a view to achieving a broad, phased programme with agreed time-tables for the gradual reduction of nuclear weapons and their delivery systems, leading to their complete and definitive elimination as soon as possible.

The draft resolution before us makes the entry into force of the treaty subject to the ratification of the 44 States listed in Annex 2 and does not contemplate any mechanism whereby those States ratifying the treaty could decide to place themselves under its force prior to all 44 States having ratified it. Accordingly, the full entry into

force of the treaty will fall hostage to the will of any of those 44 States, to the detriment of the need to establish, as soon as possible, a legally binding prohibition on the conduct of explosive nuclear-arms tests.

Nevertheless, the Government of Mexico believes that the mere approval of the draft treaty, and especially its signing, will contribute to delegitimizing nuclear weapons and to strengthening *opinio juris* with regard to the obligation to eliminate them, and will inhibit the suspension of testing moratoriums that have been declared by the five nuclear-weapons States. For these reasons, Mexico will vote in favour of the draft treaty and will sign it.

Mr. Jele (South Africa): My delegation welcomes this debate on the comprehensive test-ban treaty, as it affords us the opportunity to address an issue of utmost importance to the international community.

When the Review and Extension Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) adopted the Principles and Objectives for Nuclear Non-Proliferation and Disarmament and the Parties to the Treaty set 1996 as the deadline for the conclusion of the comprehensive nuclear-test-ban treaty (CTBT), there were many sceptics who believed that the aims of that Conference would never be attained. But those sceptics had not reckoned with the determination of Member States to realize the tasks they had set themselves.

By its resolution 50/65 of 1995 on a comprehensive nuclear-test-ban treaty, this body underlined the importance of this matter and called upon the Conference on Disarmament to

> "conclude, as a task of the highest priority, a universal and multilaterally ... verifiable comprehensive nuclear-test-ban treaty which contributes to nuclear disarmament ... in all its aspects so as to enable its signature by the outset of the fifty-first session of the General Assembly." *(resolution 50/65, para. 2)*

The adoption of the CTBT at this session will therefore represent one of the most important decisions taken by the international community on the issue of disarmament.

South Africa regards the CTBT as an essential instrument for nuclear disarmament and non-proliferation. On 6 August 1996, President Mandela announced that, following the adoption of the draft comprehensive nuclear-test-ban treaty text through multilateral negotiations, South Africa intended to sign the treaty at the earliest opportunity. He also urged all other States to show maximum flexibility, accommodation and compromise and to give their prompt support to the treaty.

We believe that the CTBT will not only establish an internationally legally-binding obligation on the States which sign and ratify it, but that the treaty will also establish a norm in international law from which no State will be able to escape. The treaty's effect will therefore be to achieve the goals which have for so long been set for it: the end of nuclear-test explosions and the inhibition of the proliferation of nuclear weapons, both vertically and horizontally.

It also forms an integral part of the process leading to the full implementation of the obligations in Article VI of the NPT and the fulfilment of the Principles and Objectives for Nuclear Non-Proliferation and Disarmament agreed at the 1995 Review and Extension Conference.

The scope for the achievement of our objectives has been further broadened and reinforced by the Advisory Opinion of the International Court of Justice on the legality of the use or threat of the use of nuclear weapons, which unanimously recognized the obligation to pursue in good faith and bring to a conclusion negotiations leading to nuclear disarmament in all its aspects, under strict and effective international control.

South Africa's commitment to nuclear disarmament has been demonstrated by our accession to the Treaty on the Non-Proliferation of Nuclear Weapons, our signing of the Treaty of Pelindaba on the establishment of the African Nuclear-Weapon-Free Zone and by our readiness to engage in joint efforts with like minded States to expand the area of nuclear-weapon-free zones to include the southern hemisphere.

It is South Africa's view that our endeavours would have been in vain if this draft resolution had failed to serve as a spur on Member States vigorously to undertake measures designed to accelerate the process of nuclear disarmament.

In this regard, my Government has declared its readiness to work for the commencement next year of negotiations in the Conference on Disarmament on a treaty banning the production of fissile material for nuclear weapons.

South Africa also supports and will work for the establishment of an ad hoc committee on nuclear disarmament, as we believe that the existence of such a committee would provide the necessary forum for identifying and negotiating ways and means of achieving our cherished goal: a world free of nuclear weapons.

It is evident from the large number of sponsors and supporters of this draft resolution that the international community wishes to adopt the comprehensive test-ban treaty. While we recognize the sovereign right of Member States to adopt a position on the basis of their own national interests, this body must, however, ensure that the will of the overwhelming majority of States that seek peace through disarmament is upheld.

South Africa therefore supports the draft resolution that is before us.

Mr. Shah (India): This Assembly is well aware of the various initiatives taken by India in its consistent and vigorous striving to achieve global nuclear disarmament, which has been a major objective of our foreign policy. India, in 1954, was the first country to call not only for a standstill agreement on all nuclear testing but also for a convention to ban the use of nuclear weapons and a comprehensive action plan to achieve a world free of nuclear weapons.

These efforts have stemmed from our firm belief that global security can lie only in the total elimination of nuclear weapons and all weapons of mass destruction. No country can feel secure as long as thousands of nuclear warheads, capable of the mindless destruction of human civilization many times over, are retained by a handful of countries and this is sought to be justified by the disingenuous assertion that deterrence provides security for those States, while ignoring the security requirements of other States.

We have seen that partial measures that have not been part of an overall step-by-step process have been notoriously unsuccessful, unless their real purpose was only to strengthen the nuclear hegemony and not, in fact, to contribute to nuclear disarmament. As long as these weapons of mass destruction remain with their awesome potential and global reach, no man, woman or child can feel safe. India's commitment to the elimination of nuclear weapons therefore stems as much from a position of principle as from a clear perception of its own security.

India's policy on the comprehensive test-ban treaty (CTBT) stems from this fundamental view of global nuclear disarmament — that only the total elimination of nuclear weapons will enhance the security of India, of all people and of all nations. We have always believed that a CTBT should be a first definitive and irreversible step on the road to nuclear disarmament. The CTBT that we sought was meant to ensure an end to the further qualitative development, upgrading or improvement of nuclear weapons, and should have signalled a sea change in the perceptions of the nuclear-weapon States that have sought to retain nuclear weapons for the last half-century.

It was this consideration that led India to co-sponsor the 1993 General Assembly resolution that announced the start of negotiations on a CTBT in the Conference on Disarmament. It was the same belief that formed the basis of the negotiating mandate in the Conference on Disarmament, in which the Conference was asked to

> "negotiate intensively a universal and multilaterally and effectively verifiable comprehensive nuclear-test-ban treaty, which would contribute effectively to the prevention of the proliferation of nuclear weapons in all its aspects, to the process of nuclear disarmament and therefore to the enhancement of international peace and security" *(A/49/27, p. 8, para. 1)*.

It is important also to recall that while the negotiations on the CTBT were taking place, the Heads of State or Government of non-aligned countries emphasized that the CTBT, to be meaningful in the context of a disarmament treaty, must be considered an important step in the process leading to the complete elimination of all nuclear weapons within a specific time-frame. The Heads of State or Government also supported the total elimination of all nuclear testing without exception and emphasized that any activity relating to further research and development on nuclear arsenals, or their production, would run contrary to the spirit of the CTBT.

The fiftieth session of the United Nations General Assembly has been called to resume consideration of agenda item 65, "Comprehensive test-ban treaty". We are of the view that the General Assembly should consider the CTBT in its essential perspective — the perspective of nuclear disarmament and progress towards the common objective of a nuclear-weapon-free world. We are deeply concerned that the resumed session is being asked to consider a text that disguises the ineluctable fact that it is

a text on which the negotiating body was unable to reach consensus; it was not even forwarded by the Ad Hoc Committee on a Nuclear Test Ban to the plenary of the Conference on Disarmament. This procedure erodes the standing of the Conference an Disarmament. Treaties are made through voluntary agreements and the legitimate exercise of sovereign choice, and not by procedural manoeuvres or political persuasion.

Not all the delegations present in this Assembly were present in the Conference on Disarmament. Those that were present will know, and those that were not present need to be aware, of the context in which these negotiations took place. In January 1993, India had called for the establishment of an ad hoc committee on nuclear disarmament in the Conference on Disarmament. Later that year India co-sponsored the United Nations resolution on the CTBT and, while participating actively in the negotiations, continued to press for the establishment of the ad hoc committee on nuclear disarmament. Following the call given in Cartagena by the Heads of State or Government of the Non-Aligned Movement and General Assembly resolution 50/70 P, which was supported by 106 countries, the non-aligned and like-minded States continued to strive for the establishment of an ad hoc committee in the Conference on Disarmament to commence negotiations on a phased programme of nuclear disarmament and for the eventual elimination of nuclear weapons within a time-bound framework, but these appeals were turned down.

While the CTBT negotiations were in progress, the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) was indefinitely extended, whereby the nuclear-weapon States, contrary to their obligations to give up nuclear weapons, sought instead to wrest the right to retain them in perpetuity. Having achieved the indefinite extension of the NPT, these countries then argued before the International Court of Justice that not only had the retention of nuclear weapons been legalized by the NPT, but so had their use. Immediately after the Review Conference, which, as we know, failed to agree on a review, particularly on the implementation of article VI of the NPT, some nuclear-weapon States continued their explosive tests. We had at that time stated that these tests would inevitably affect adversely the negotiations on the CTBT. Clearly the nuclear-weapon States have no intention of giving up their dependence on nuclear weapons, nor do they have any intention of letting the CTBT become an impediment to their pursuit of the qualitative improvement of nuclear weapons. These events outside and within the Conference on Disarmament found their immediate reflection in the negotiations.

Those who were party to the negotiations will recall the clear refusal of the nuclear-weapon States to accept any treaty language which spelled a definite end to the qualitative development of their nuclear weapons. In such circumstances, it was not surprising that the negotiations were skewed and that the text which emerged, far from being the intended historic step towards a nuclear-weapon-free world, will only succeed in perpetuating a discriminatory status quo.

India participated constructively but with increasing concern in the CTBT negotiations. Our concerns regarding the direction in which the negotiations were proceeding were expressed in this very Assembly last year when we pointed out:

> "We are glad that negotiations are in progress, but we also note that nuclear-weapon States agreed to a comprehensive test-ban treaty only after acquiring the know-how to develop and refine their arsenals without the need for tests. In our view, the comprehensive test-ban treaty must be an integral step in the process of nuclear disarmament. Developing new warheads or refining existing ones after a comprehensive test-ban treaty is in place, using innovative technologies, would be as contrary to the spirit of the comprehensive test-ban treaty as the NPT is to the spirit of non-proliferation. The comprehensive test-ban treaty must contain a commitment binding on the international community, especially the nuclear-weapon States, to take further measures within an agreed time-frame towards the creation of a nuclear weapon free world." *(Official Records of the General Assembly, Fiftieth Session, Plenary Meetings, 12th meeting, p. 16)*

In Geneva, we tried through intensive engagement in the negotiations to correct the shortcomings of the evolving text and submitted proposals in writing and verbally. The intention of our proposals was first to place the CTBT firmly in the disarmament context by including in it a commitment to eliminate nuclear weapons within a time-bound framework. The disregard with which preambular references have been treated in other disarmament treaties convinced us that such a commitment would be meaningful only if it were contained in the operative part of the CTBT. It was clear to us that, although a specific time-frame for the elimination of nuclear weapons would require detailed consideration, a commitment would at least act as a catalyst for multilateral negotiations on the elimination of nuclear weapons within a reasonable span of time. Such

a commitment would also have shown to the international community that the nuclear-weapon States were actually committed to this objective and not wedded to retaining these weapons indefinitely.

The second thrust of our approach was to ensure that the CTBT became what it was intended to be: a watershed in the development of nuclear weapons. When India first proposed the standstill agreement in 1954, explosive technology was the only one being employed for nuclear tests. We are all now aware that today it is only one of the technologies available to nuclear-weapon States. Technologies relating to sub-critical testing — advanced computer simulation using extensive data from previous explosive testing and weapons-related applications of laser ignition — can open the way to fourth-generation nuclear weapons even without explosive testing. To be relevant today and to achieve its intended purpose, the CTBT should have banned not only test explosions but all nuclear tests which could lead to the development and upgrading of nuclear weapons.

These were not unreasonable proposals. They were proposals based on the necessity of making the treaty truly comprehensive and of ensuring that it led to the elimination of these weapons of mass destruction from our planet, an objective to which an overwhelming majority of nation States is committed. Yet, these proposals were disregarded in the negotiations by the nuclear-weapon States. There was little or no effort to engage India in addressing these concerns. Instead, a text was produced by the Chairman of the negotiating group, under an artificial deadline, which ignored these concerns and contained only a discriminatory instrument against horizontal proliferation.

Our security environment has obliged us to maintain the nuclear option. We have exercised unparalleled restraint with respect to our nuclear option. Countries around us continue their weapons programmes either openly or in a clandestine manner. In such an environment, we cannot permit our option to be constrained or eroded in any manner as long as nuclear-weapon States remain unwilling to accept the obligation to eliminate their nuclear arsenals. Indian security interests, like those of all States, can be safeguarded only in a world free of nuclear weapons. This is a position which has and shall remain grounded in complete national consensus.

We were disappointed with the result of the negotiations but we were also aware that there were others who wanted to go ahead with such a treaty despite its shortcomings. We could have restrained ourselves from a move to oppose consensus and stepped aside to let the treaty go forward for adoption by those who so desired. But in full knowledge of our decision not to subscribe to the treaty, a provision was included which required India, among other countries, to sign and ratify the treaty in order for it to come into force. This is perceived by us as an attempt to restrain a voluntary sovereign right and to enforce obligations on India without its consent. Such a provision is unprecedented in multilateral negotiating practice and runs contrary to customary international law, which holds that a treaty does not create obligations for a third State without its consent. India repeatedly urged the Conference on Disarmament to modify this position and even proposed an alternative provision along the lines of the entry into force of the Chemical Weapons Convention. Other proposals which were made were only cosmetic in nature and did not address India's concern.

Finally, we were told that any modification would unravel the text. Yet the same text was modified to take into account the concerns of another country. We expected that our sovereign right not to subscribe to the treaty would have been respected as we respect the right of others to subscribe to it. The refusal of a very small group of countries to allow the change in the entry-into-force article left us with no choice but to express our dissent and to withhold consensus in the Conference on Disarmament. We did not seek to block a text from emerging from the Conference even though we did not agree with such a text. But we were deliberately thrust into a position in which we were left with no choice but to stop the transmittal of such a text, containing as it did a provision contrary to international law, a provision which we continue to view as coercive.

The result, and it is only fair that all nations be aware of it, is a text which is not a true comprehensive test-ban treaty. This text will not end all nuclear testing. This text will not stop the development and qualitative improvement of nuclear weapons. Instead, this text will only further sustain the present nuclear hegemony. It is a text which did not meet consensus in the Conference on Disarmament. This is not the treaty called for by the Non-Aligned Movement or the treaty called for by the General Assembly. It is a text which contains a provision contrary to international law and practice which will stand in the way of its entry into force. If that happens, the responsibility will lie not with India but with those countries that negotiated among themselves its critical aspects and insisted on retaining in it the clauses on entry into force.

India's commitment to the goal of eliminating nuclear weapons remains steadfast and undiminished. To this end, India has recently supported a proposal, containing the programme of action for the elimination of nuclear weapons within a finite time-frame, presented to the Conference on Disarmament by the overwhelming majority of non-aligned and neutral countries members of the Conference. We shall continue to strive with other like-minded nations to achieve the long-cherished goal of a world free of nuclear weapons.

Mr. Park (Republic of Korea): Ever since the General Assembly first considered the question of the cessation of nuclear testing, as early as its ninth session in 1954, the international community has made strenuous efforts to bring an end to nuclear testing. Indeed, this issue has continued to take centre stage in various disarmament debates and negotiations in both the General Assembly and the Geneva Conference on Disarmament.

One of the notable achievements to this end was the establishment of the Ad Hoc Committee on a Nuclear Test Ban of the Conference on Disarmament in 1993 to negotiate a universal and comprehensive nuclear-test-ban treaty, which, in the words of one General Assembly resolution, would contribute significantly

> "to the prevention of the proliferation of nuclear weapons in all its aspects, to the process of nuclear disarmament and therefore to the enhancement of international peace and security". (*resolution 48/70, second preambular paragraph*)

As we have witnessed, the Ad Hoc Committee has made substantial progress, particularly in resolving several key outstanding issues. However, it is our deep regret that, despite two and a half years of intense and arduous multilateral negotiations, the Conference on Disarmament failed to reach a consensus on a draft text of a comprehensive test-ban treaty (CTBT). This unfortunate development was a sore disappointment for the international community, whose aspirations for a nuclear-weapon-free world were galvanized during the process of the CTBT negotiations.

The end of the cold war has provided us with a unique window of opportunity to realize the long-standing aspiration of mankind to end nuclear testing, which is finally within our grasp. The conclusion of the CTBT would be the first meaningful step towards nuclear disarmament and non-proliferation and the fulfilment of the obligations under Article VI of the Treaty on the Non-Proliferation of Nuclear Weapons.

While no one will argue that the draft text is without imperfections, my delegation is of the view that the text of a draft CTBT, contained in document A/50/1027, is the best available option at this time, since it is a product of compromise among different views and concerns which have emerged in the process of negotiations. Therefore, failure to adopt the draft text would be not only a major setback for the international disarmament and security agenda, but more importantly, a serious mistake and a shirking of our collective responsibility to leave the legacy of a nuclear-weapon-free world to our future generations.

While fully conceding the right of every member State to decide whether or not to sign and ratify a CTBT, we agree with the Australian delegation that the position of a handful of countries should not prevent the rest of the international community from adopting the treaty. Therefore, as one of the sponsors of the draft resolution on the table, my delegation urges all States to join in the efforts towards realizing our common goal of a treaty banning all nuclear test explosions for all time.

We are only at the beginning of a long and difficult road, but the decision to be made at this critical stage is integral to our endeavour to achieve the eventual worldwide abolition of nuclear weapons. We firmly believe that the adoption of the draft treaty will be greatly conducive to creating an important momentum for taking further effective measures towards nuclear disarmament and against the proliferation of nuclear weapons in all its aspects.

In conclusion, I avail myself of this opportunity to assure the Assembly that the Government of the Republic of Korea will continue to make its contribution towards creating a nuclear-weapon-free world and thus looks forward to the adoption of the text of the CTBT and its opening for signature at the earliest possible date.

Mr. Akram (Pakistan): This comprehensive test-ban treaty (CTBT) has been eagerly awaited by the world for 40 years. Pakistan has consistently supported this objective. We believe an effective nuclear-test ban would be good for our region and good for the world.

By the first operative paragraph of the draft resolution in document A/50/L.78, introduced by the representative of Australia, the General Assembly would adopt the comprehensive nuclear-test-ban treaty circulated in document A/50/1027. This CTBT text is the product of two and half years of negotiations in the Conference on

Disarmament. Despite its acknowledged shortcomings and the reservations expressed by several delegations on some of its provisions, this CTBT text enjoyed a virtual consensus within the Conference on Disarmament. However, one State chose to veto the adoption of the treaty, to veto the transmission of the treaty to the General Assembly and to veto also a decision to report to the Assembly that the Conference on Disarmament was unable to achieve consensus on the CTBT.

The rule of consensus is designed to protect the legitimate security interests of States, not to thwart measures which are in the security interests of all States. The will of the international community having been frustrated, it is disingenuous to argue now against the procedure followed in the Australian draft resolution. As the philosopher Hegel wrote:

> "It is a matter of perfect indifference where a thing originated. The only question is: Is it true in and for itself?"

The responsibility for this unusual procedure — about which we too are unhappy — and for any erosion in the role and authority of the Conference on Disarmament must rest with the country which chose to block consensus in the Conference and not on the rest of the international community. We welcome the reaffirmation in Ambassador Butler's introductory statement of the Conference's role as the sole multilateral negotiating body.

Pakistan is not happy with certain provisions of the CTBT text in document A/50/1027. In the final stages, the negotiations lacked full transparency and the texts did not always reflect the outcome of negotiations. We will state our reservations and interpretations on the text after the vote.

Pakistan is aware that this test-ban treaty will not be truly comprehensive. We share the frustration of the non-nuclear States at the reluctance of some nuclear Powers to agree to more categorical commitments to the realization of nuclear disarmament. Pakistan also has serious concerns regarding the danger of the abuse of on-site inspections, especially on the basis of so-called national technical means.

Despite the shortcomings of the CTBT text, Pakistan is prepared to accept it as the basis for consensus and to have the Conference on Disarmament transmit it to the General Assembly for adoption. We are prepared to do so for two important reasons. First, we have been convinced that a ban on nuclear explosions will severely constrain the ability of nuclear-weapon States to improve their nuclear weapons and will prevent them from developing new and exotic nuclear weapons; and secondly, a nuclear-explosion ban will contribute significantly to nuclear non-proliferation. If accepted, it could decisively arrest further nuclear escalation in South Asia. It would fulfil the objectives of the bilateral test-ban treaty which Pakistan proposed to India in June 1987. In other words, if our aim is to promote nuclear disarmament and non-proliferation, this treaty is better than no treaty.

Pakistan is not surprised at the trenchant opposition of our neighbour to the CTBT. For over 30 years, Pakistan has warned the world of that country's nuclear ambitions. We did so when it acquired unsafeguarded nuclear facilities; we did so when it secretly diverted fissile material from these facilities to build bombs; we did so before it exploded its nuclear bomb in May 1974; and we have done so recently as it has turned to the development and deployment of short-, medium- and long-range nuclear-capable missiles.

Unfortunately, hypocrisy has been the hallmark of the nuclear posture of the country which blocked the CTBT in the Conference on Disarmament. Its bomb was called a "peaceful nuclear explosion", and its medium-range missile a "technology demonstrator". When Pakistan proposed the creation of a nuclear-weapon-free zone in South Asia and when the world community suggested bilateral or regional full-scope safeguards or bilateral or regional commitments against nuclear proliferation, we were all told that our neighbour could accept only global measures that also committed the nuclear-weapon States. The CTBT is such a global measure. This too has now been rejected. For us the reasons are fully evident. They are not derived from any moral commitment to global nuclear disarmament, with or without a time-bound framework.

When that country sponsored the 1993 General Assembly resolution proposing the initiation of negotiations on the CTBT, it did not propose to link the treaty to a commitment by the nuclear-weapon States to a time-bound framework for nuclear disarmament. Perhaps it expected others to block the treaty. Pakistan supports the conclusion of a time-bound programme for nuclear disarmament. We have joined with 27 other members of the Group of 21 to sponsor a proposal in the Conference on Disarmament outlining a programme of action for the elimination of nuclear weapons. But the proposal that nuclear Powers give a prior commitment to

a time-bound programme of nuclear disarmament as a precondition for the entry into force of a CTBT was obviously put forward by our neighbour with full confidence that it would be rejected. It is a transparent device to avoid a commitment to a nuclear-test-ban treaty, to veto a vital disarmament measure which has virtually universal support.

Today we have again heard that if the provision on entry into force is changed to exclude the requirement for its signature and ratification, our neighbour will give up its opposition to the Assembly's adoption of the treaty. This is perhaps the first time in history that a country has demanded an amendment to a treaty in order to be in a position not to sign it. The CTBT is a specific treaty with a specific requirement not to conduct nuclear explosions. To be effective and comprehensive, this treaty must foreclose the possibility of nuclear explosions being conducted by all the States that have the technical and legal capability to conduct such tests. There are eight such States: the five nuclear Powers and the three so-called "threshold" States. Their security interests are interlocking. If one of these States maintains the right to test, so will the others. They must all come into the treaty. Article XIV of the draft CTBT acknowledges this. It applies equally to 44 States. It does not force or oblige any of them to act contrary to their sovereign rights. To accept a formula in which one nuclear-capable State can opt out is to contemplate the possibility of a treaty coming into force whose parties do not include one or more of the eight nuclear-capable States. Such a treaty would be a farce.

The people of Pakistan, who have suffered discriminatory pressures and penalties for many years, were deeply shocked at the gestures and offers made by some major Powers to the opponent of the CTBT. These gestures did not appease; they did not prevent the veto. Instead, they strengthened the determination to kill the CTBT. Worse, they may have emboldened the nuclear militancy of that country.

Its Foreign Minister has said: "We have the right to test". All its leaders have asserted that they will keep the nuclear option open and could exercise this option. This was reaffirmed here several minutes ago. Ominously, the preparations made at Pokaran earlier this year for a second nuclear test have not been reversed. Two days ago, an influential nuclear strategist of that country threatened that, "if pushed to the wall" on the CTBT, that country may "really go nuclear".

For the record, I would again like to state that any step of nuclear escalation in our region will find a matching response by Pakistan to safeguard our security. We will not accept double standards or discrimination. We will not accept unilateral obligations and commitments.

The adoption of the CTBT should herald a new dawn in the history of the quest for nuclear disarmament. Instead, a dark sun has appeared over the skies of South Asia. The challenge posed by our neighbour is not only to the CTBT; it is a challenge to the international consensus for nuclear disarmament and non-proliferation.

Consistent with its long-standing policy and the position I have outlined, the Pakistan delegation will support the draft resolution proposed by Australia and other Member States in document A/50/L.78. However, in view of the concerns arising from the position and policies of our neighbour, Pakistan will not be in a position to respond to the call in paragraph 3 of the draft resolution to sign the treaty while these concerns continue to exist.

Mr. Powles (New Zealand): New Zealanders have worked for three decades for a permanent end to nuclear testing. We have sponsored resolutions every year in the General Assembly calling for a universal and effectively verifiable comprehensive nuclear-test-ban treaty (CTBT). In the past three sessions that call has been unanimous.

Last year, in consensus resolution 50/65, the Conference on Disarmament received a clear mandate from the General Assembly to conclude a comprehensive test-ban treaty, so as to enable its signature by the outset of the fifty-first session of the General Assembly.

The Conference's Ad Hoc Committee has done a commendable job. The treaty text that we are to adopt is the product of two and a half years' intensive negotiating effort. All five nuclear-weapon States are committed to sign and ratify this treaty. It is clear today, from the broad and overwhelming support that this resolution has attracted — with 126 cosponsors — that most members of the General Assembly recognize the final treaty text as the best that can be obtained, and consider that it serves their goal of bringing to an end all nuclear testing, for all time. They want the treaty adopted by the General Assembly and opened for signature as soon as possible.

We are, of course, aware that this treaty does not satisfy every country. It is regrettable that the treaty text

did not command consensus in the Conference on Disarmament, and that it could not be transmitted to the General Assembly in the normal fashion. That should not be seen as devaluing the excellent work the Conference has done in preparing the text of the treaty. Nor should it be seen as a precedent.

Today, in this Hall, all members of the international community have the opportunity to decide for themselves the merits of the treaty. The alternative — letting it languish in the records of the Conference on Disarmament — would bring the whole United Nations system, including the Conference, into disrepute. It would set back immeasurably international disarmament efforts.

The New Zealand Government and the New Zealand public will not accept that.

That is why New Zealand is a sponsor today of the draft resolution introduced by Australia, which, when adopted, will deliver to the international community a ban on nuclear-test explosions in all environments, for all time. The New Zealand Government has decided to sign the treaty as soon as it is opened for signature and to complete the necessary ratification processes as a matter of the highest priority. We appeal to all States, and in particular the nuclear-weapon States, to do likewise, so that from this month the world can be assured that testing has ceased permanently.

As the Marshall Islands, Chair of the South Pacific Forum, noted in its statement, that same appeal was issued by our Heads of State and Government in last week's South Pacific Forum communiqué. For South Pacific countries, nuclear testing was for too long a sorry chapter in the history of our region. That chapter was closed once and for all earlier this year, once all nuclear-weapon States signed the South Pacific Nuclear-Free Zone Treaty protocols. The people of the South Pacific now enjoy assurances of freedom from nuclear testing. The treaty we are about to adopt will give that assurance to all.

The adoption of this draft resolution and, with it, the CTBT draft treaty will mark the end of a long road in one respect. But while a long-sought goal in itself, a comprehensive test-ban treaty is also one of the first essential steps in a longer process that aims to secure a world ultimately free of all nuclear weapons.

Such a world is one step closer with an end to nuclear-test explosions. But we cannot and must not stop there.

The International Court of Justice has reminded us all of the solemn responsibility that derives from the Nuclear Non-Proliferation Treaty to pursue in good faith and bring to a conclusion negotiations leading to nuclear disarmament. New Zealand will continue to look to the nuclear-weapon States to fulfil their obligations.

The nuclear-weapon-free world to which we aspire is well served by the adoption of the draft resolution before us today. It is a step that we urge all countries present in this Hall to support, with that larger goal in mind.

Mrs. Kurokochi (Japan): Mr. President, on behalf of the Government of Japan, I should like to extend my heartfelt gratitude to you for calling for this resumed session of the United Nations General Assembly. My delegation will spare no effort to cooperate with you as you discharge your important duties at this meeting of historic significance.

The Government of Japan has been strongly advocating a nuclear-test-ban treaty in the United Nations for decades, and it participated with determination in the negotiations on the comprehensive nuclear-test-ban treaty (CTBT) in Geneva.

The draft treaty text of the CTBT, which we have been seeking for such a long time, is finally before us. If we adopt this treaty now, we can make nuclear-test explosions illegal forever, in any environment. If we fail to do so, we will not have a CTBT in the foreseeable future. Therefore, the choice we are faced with is whether to have a CTBT or not.

The draft CTBT text is not a perfect one. I am fully aware that very few countries are entirely satisfied with it. We are sympathetic with those who ask why we cannot improve the text as we would like.

However, this is the only attainable text of a CTBT after two and a half years of negotiations. All five nuclear-weapon States, Pakistan and Israel, and a large majority of countries have expressed their support for this text. Any amendment to this text, or any other version of a draft CTBT, could not enjoy the support of all five nuclear-weapon States. If we do not support this draft treaty text, we will have nothing more than a "voluntary moratorium" by the nuclear-weapon States. We have before us the opportunity to have a legal commitment by these States to stop nuclear testing for all time.

The CTBT prohibits all nuclear-weapon-test explosions and all other nuclear explosions. This will constrain the development and the qualitative improvement of nuclear weapons and end the development of advanced new types of nuclear weapons. Once we have the CTBT and thus establish an international norm for the prohibition of nuclear testing, even a country remaining outside the treaty cannot ignore a significant political deterrence against such testing. The CTBT, in this way, contributes to nuclear disarmament and non-proliferation worldwide.

Last year, in resolution 50/65, the General Assembly called on the Conference on Disarmament to conclude a comprehensive nuclear-test-ban treaty. Regrettably, there was no consensus in the Conference on Disarmament to forward the negotiated treaty text on to the General Assembly.

However, in operative paragraph 6 of the same resolution, the General Assembly declares its readiness to resume consideration of this item, as necessary, before its fifty-first session in order to endorse the text of a comprehensive nuclear-test-ban treaty. The resolution does not mention that the General Assembly must endorse a text which was agreed upon in Geneva. It is clear that, with this resolution, the General Assembly commits itself to resuming its consideration, as necessary, regardless of the outcome of the negotiations at the Conference on Disarmament. And it is crystal clear that now is the time that the General Assembly must act.

In conclusion, Japan, as one of the sponsors of the draft resolution contained in document A/50/L.78, strongly urges all United Nations Member States to lend their support to that draft resolution and the draft treaty text contained in document A/50/1027.

Mr. Mabilangan (Philippines): It is to the credit of our Organization that it can find within itself the means to provide the world a choice that would have otherwise been denied it by solitary action. We appreciate the concerns that have been and will be expressed here and elsewhere that this agreement does not do enough towards achieving our ultimate goal of the total elimination of nuclear weapons.

True, there is still much to be done. The madness of the cold war caused much mistrust and created seemingly insurmountable divisions that continue to dominate our thinking. We agree that there is still much that should be done towards achieving the elimination of all nuclear weapons. We agree that we must continue to be vigilant and critical, if necessary, in this cause. However, we cannot agree that this cause is made any less significant by our action today. We cannot agree that the dedicated efforts of the international community in the name of disarmament can be negated by disagreement.

The comprehensive nuclear-test-ban treaty is an important step in our work towards the total elimination of nuclear weapons. It is part of our overall efforts towards this cause. It is one of the actions we are undertaking within the context of a world transformed.

We already see action on other fronts. Nuclear-weapon-free zones — the most recent of which are in South-East Asia and Africa — are covering our planet. Initiatives are being discussed on some linkages for cooperation among these zones. The recent opinion of the International Court of Justice gives us the opportunity, if not the added impetus, to talk about a nuclear-disarmament agreement.

Let the agreement brought before us in draft resolution A/50/L.78 be judged by the sovereign will of individual States when they choose whether or not to sign it. It is in this spirit that the Philippines is honoured to be a sponsor of the draft resolution.

Mr. De Silva (Sri Lanka): As we come to the end of the second half of this century, which has seen so much conflict and human suffering, we are witnessing epoch-making events in world history, in the sphere of both international politics and international security.

Not long after the invention of the nuclear bomb, and given an awareness of the dreadful effects of a nuclear holocaust, there commenced several attempts to grapple with the task of averting the catastrophic consequences of nuclear explosions. Thus began the equally historic process of seeking mechanisms that would prevent proliferation of these weapons through international agreement and nuclear disarmament.

Accordingly, proposals for banning nuclear-test explosions as a means of contributing to vertical and horizontal nuclear non-proliferation and bringing about nuclear disarmament with the final objective of the eventual elimination of all nuclear weapons have continued to be on the global agenda since the early 1950s. The call for an end to nuclear testing by the late Jawahar Lal Nehru in 1954 and the appeals of the leaders of the Non-Aligned Movement at their first summit in 1961, addressed to President Kennedy and Secretary Khrushchev — representing the two nuclear super-Powers

— were among the first initiatives taken by the non-nuclear-weapon States to contain the nuclear arms race, that was about to begin.

The years and decades since then stand witness to the endeavours of the international community in seeking to achieve that goal. The collateral measures in the early 1960s — which led to the conclusion of the Treaty Banning Nuclear Weapon Tests in the Atmosphere, in Outer Space and under Water in 1963, the Treaty on the Non-Proliferation of Nuclear Weapons in 1968 and the Threshold Test Ban Treaty of 1974 — helped us realize what could be achieved in practical terms during those troubled times under difficult circumstances. These achievements can best be characterized as mere interim measures pending a multilateral agreement for banning the testing of nuclear weapons, for which negotiations commenced way back in 1958.

Regrettably, the political and security climate that prevailed during those times did not facilitate the successful conclusion of those negotiations. The end of the cold war and the resultant sea change in inter-State relations enabled the international community once again to devote its energies to realizing a comprehensive nuclear-test ban. In response to the call made by the international community to undertake multilateral negotiations for concluding a comprehensive nuclear-test-ban treaty, this Assembly, by its resolution 48/70, charged the Conference on Disarmament with the responsibility of negotiating such a treaty as a matter of urgent priority.

The Conference, in its capacity as the sole multilateral forum for negotiating disarmament matters, began its work in January 1994 by setting up an Ad Hoc Committee on a Nuclear Test Ban and mandating it to negotiate a universal and effectively verifiable comprehensive test-ban treaty. At its the fiftieth session, the General Assembly, by its resolution 50/65, and in its wisdom not stipulating a deadline, called upon the Conference to complete the final text of the treaty as soon as possible in 1996 in order to open it for signature at the commencement of the fifty-first session of the General Assembly.

For that purpose, it called upon the participants of the Conference on Disarmament to advance their work on the basis of the rolling text. It also declared its readiness to resume consideration of the item before the fifty-first session in order to endorse the text of a comprehensive nuclear-test-ban treaty.

From this it is clear that the General Assembly envisaged the Conference on Disarmament to be the sole multilateral negotiating forum in this task. Accordingly, in the normal course of events, it was the Conference on Disarmament which should have adopted the treaty text by consensus and transmitted it to this Assembly for endorsement. That expectation has unfortunately not been realized.

The report of the Ad Hoc Committee on a Nuclear Test Ban adopted by the Conference on Disarmament on 20 August indicates that there was no consensus at the Conference, either on the treaty text or its transmittal to the General Assembly for endorsement. This was due to the fact that, in the opinion of some delegates at the Conference on Disarmament, negotiations on the treaty text had not come to an end, in the sense that further work on the text was required.

As it turns out, the fiftieth session of the General Assembly has been resumed, citing paragraph 6 of General Assembly resolution 50/65, for the purpose not of endorsing a text, as originally envisaged, but of the Assembly itself adopting the text of a treaty brought before it on which the Conference on Disarmament had not been able to arrive at consensus.

My delegation considers the failure of the preamble of the treaty text to declare a firm and clear commitment to nuclear disarmament and the total elimination of all nuclear weapons to be a serious shortcoming. It has failed to harken to the call made at Cartagena last year by the Heads of State and Government of the non-aligned countries for the elimination of all nuclear weapons within a specific time-frame.

In this regard, it is appropriate to recall the commitment given by the nuclear-weapon States at the Review and Extension Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) in May 1995 to pursue in good faith negotiations on effective measures relating to nuclear disarmament. Moreover, the Advisory Opinion of the International Court of Justice on the legality of the threat or use of nuclear weapons delivered in July this year clearly stated:

> "There exists an obligation to pursue in good faith and bring to a conclusion negotiations leading to nuclear disarmament in all its aspects under strict and effective international control".

The obligation, therefore, is not only to pursue negotiations but also to bring them to a successful conclusion. This has been held to be a responsibility of all States, not only the nuclear-weapon States. Despite these undertakings and the Advisory Opinion of the International Court of Justice, the Ad Hoc Committee failed to take into account and recognize an unequivocal commitment to nuclear disarmament in the preamble of the treaty text in an appropriate manner.

It is also necessary to refer to the limited scope of the provisions of article I. The mandate given to the Ad Hoc Committee was to negotiate a comprehensive test-ban treaty. The treaty before this Assembly falls short of being comprehensive in that it will not ban all nuclear weapons and other nuclear tests. Instead, it will only ban

> "any nuclear weapon test explosion or any other nuclear explosion", (*A/50/1027, p. 7*)

thereby leaving room for tests in laboratories and for sub-critical tests. As a result, the nuclear-weapon States are free to conduct certain types of tests for the purpose not only of ensuring the safety and reliability of existing nuclear weapons but also of improving them, as well as of developing a new generation of nuclear weapons to suit their needs. It is in this context that we should recall the report of the Canberra Commission on the Elimination of Nuclear Weapons released last month, which clearly states that nuclear weapons pose an intolerable threat to humanity and its habitat. Yet tens of thousands of such weapons remain in arsenals built up at an extraordinary time of deep antagonism. The Canberra Commission concludes that that time has passed, yet it is most disquieting to find assertions of their utility continuing to be made.

My delegation is of the view that article XIV, which alludes to specific States, and the ratification of which is an essential prerequisite for the treaty to come into force, is not a salutary provision. Given the publicly-declared intentions of certain States, it is in effect advance notice to States intending to become signatories that its coming into effect is most unlikely, if not a non-event. It is also tantamount to the creation of a veto power for the 44 named States over its ever coming into force. This is unprecedented in the history of treaty-making and derogates from the sovereign equality of States in this sphere.

Permit me to conclude my statement by adverting once again to the report of the Canberra Commission on the Elimination of Nuclear Weapons. The Commission concluded that

> "the opportunity now exists, perhaps without precedent or recurrence, to make a new and clear choice to enable the world to conduct its affairs without nuclear weapons and in accordance with the principles of the Charter of the United Nations."

As a State Party to the NPT and a country that has been closely associated with the difficult task of negotiating the treaty which is now before the Assembly, Sri Lanka fervently hopes that the dark clouds of fear, suspicion and apprehension of a nuclear conflagration that overhang the conduct of international relations will soon pass away and be gone forever. It is my country's earnest wish that the conclusion of this treaty, despite its shortcomings and weaknesses, will in time be the consummation of the common aspirations of the whole international community. We sincerely hope that its conclusion as an international treaty that in substance has been assiduously negotiated for the past two and a half years in Geneva, will prove to be a landmark event in our steadfast efforts to realize the long and cherished goal of a world free of nuclear weapons as we approach the dawn of the twenty-first century.

Mr. Berdennikov (Russian Federation) (*interpretation from Russian*): The Russian delegation attaches great significance to this plenary meeting of the General Assembly as it considers the item on a comprehensive test-ban treaty (CTBT). Russia supports the text of the CTBT contained in document A/50/1027, which is the outcome of long and difficult talks in Geneva.

From the outset, we would like to make it absolutely clear that the text of the treaty contained in that document is final and not subject to any alteration, although we, like other delegations, cannot say that we are entirely satisfied with all its provisions. Any amendment to the text would result in the breakdown of the treaty, as it would lead to counter-amendments which in their turn would engender amendments to counter-amendments and so on *ad infinitum*. The fact that this would happen is indicated by our experience of talks in Geneva. In this particular case, the saying "the better is the enemy of the good" could not be more apt. We hope that the vote in the General Assembly in favour of the draft resolution introduced by Australia will enable the world community to take this unique opportunity finally to conclude a comprehensive nuclear test-ban treaty.

It should be recalled that such a document has for many decades been the goal of the international

community. We believe that the treaty has several indisputable merits. First, it would forever liberate mankind from nuclear explosions in any environment. Secondly, it would be an effective contribution to strengthening the nuclear non-proliferation regime. It would mark the implementation by the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) of the decision taken at the NPT Review and Extension Conference last year. We are sure that this treaty will make it even more difficult for nuclear weapons to proliferate on earth.

Thirdly, the comprehensive and unlimited ban placed on all nuclear explosions undoubtedly will serve effectively to constrain the qualitative improvement of nuclear weapons and to preclude the appearance in arsenals of advanced new types of nuclear weapons.

Fourthly, the CTBT will become a new point of departure and will prove a major incentive to continuing the negotiating process in order to ensure the further reduction of nuclear weapons, with the ultimate goal of eliminating those weapons. We are convinced that the CTBT is a necessary stage in this process and that without it, it will be impossible to assume that even further-reaching agreements will be concluded.

However, a fact remains a fact. The Conference on Disarmament did not reach consensus on the draft of the CTBT; it was vetoed. Therefore we understand those States that, in this unprecedented situation, could not agree simply to consign the result of those many years of effort, including the CTBT, to the archives, and brought the treaty directly before the General Assembly to be judged by the entire international community. This step was forced by exceptional circumstances. Of course, any decision taken by the General Assembly on this matter should in no way be detrimental to the practice or the rules of procedure of the Conference on Disarmament, nor should it set any precedent for the work of the General Assembly or the Conference on Disarmament.

Mr. Wisnumurti (Indonesia): For more than three decades, the General Assembly has witnessed frustrating and endless debates in the efforts to conclude a comprehensive test-ban treaty (CTBT). The international community has always regarded the attainment of such a ban as being of paramount importance and having the highest priority. In fact, the goal of a CTBT has been our constant endeavour since the dawn of the nuclear age. It is in this context that we endorse the convening of the resumed session of the fiftieth session of the United Nations General Assembly to address the draft CTBT text now before us. We have also taken the unprecedented step of submitting a non-consensus text negotiated by the Conference on Disarmament to the General Assembly for endorsement. In my delegation's view, this should not constitute a precedent, as it would erode the role and credibility of that forum as the sole multilateral negotiating body on disarmament.

We are all aware of the critical role that testing has played in the quantitative development and qualitative improvement of nuclear weapons and in the unceasing nuclear arms race, with its potentially disastrous consequences. Successive meetings of non-aligned countries have not only called for the cessation of testing as a vital global objective to be pursued, but also emphasized that any activity relating to further research and development on nuclear arsenals or their production would be contrary to the spirit of a CTBT. Hence, General Assembly documents are replete with statements by Member States that have always held that a CTBT is a step that must be taken to prevent the development of a new generation of nuclear weapons and to achieve the eventual elimination of all nuclear weapons. That has also been the working premise in the General Assembly and the mandate of the Conference on Disarmament, as well as in other international endeavours towards a comprehensive ban on nuclear testing.

After more than two and half years of protracted and even tortuous negotiations, the Conference on Disarmament concluded the long-sought ban on nuclear testing, which can be attributed in large measure to the substantial compromises made by the non-nuclear States in the larger interests of the international community. Consequently, we have before us a less-than-perfect draft, which does not satisfy us in its essential aspects.

One obvious and major flaw is that it would allow the improvement of arsenals and related technologies through laboratory-scale nuclear testing. Numerous tests have provided the nuclear-weapon States with enough knowledge that they are no longer dependent upon explosions. We know now the reasoning behind the moratoriums and then the call for a CTBT. A treaty that permits technical loopholes for testing cannot be comprehensive, which has all along been the very *raison d'être* of a CTBT. As long as testing continues in any form or manner, the international community will be faced with the dangers attendant upon the proliferation and sophistication of nuclear weapons.

The draft also evades the question of nuclear disarmament, as if a CTBT were an end in itself and not predicated upon follow-up measures towards the elimination of all nuclear weapons. This cannot but be construed as yet another instrument intended to stem proliferation only in its horizontal aspect. Like the overwhelming majority of the international community, Indonesia can expect only that the CTBT would constitute a new basis for our pursuit of the objective of nuclear disarmament, as set forth in the Treaty on the Non-Proliferation of Nuclear Weapons (NPT). Members may recall that that goal was affirmed by the 1995 Review and Extension Conference of the NPT, which called for systematic and progressive efforts to reduce nuclear weapons globally, with the ultimate goal of their eventual elimination. In the event that it does not materialize, we can conclude only that nuclear-weapon States are more concerned about their status as nuclear Powers and their intention to maintain their strategic postures.

The entry into force of the treaty also appears to be problematic. For it seeks, within a specific time-frame, the ratification of 44 signatories, including States that are deemed to be nuclear-capable. This has introduced an element of doubt and uncertainty and has placed the future of the treaty in jeopardy.

Notwithstanding these inherent weaknesses, it would be unrealistic to underestimate the importance of what was achieved in Geneva. Beyond a doubt, it has demonstrated the validity and relevance of multilateralism to nuclear-arms limitation. The conclusion of the treaty will also hopefully facilitate agreements on nuclear disarmament through the creation of an ad hoc committee under the auspices of the Conference on Disarmament, which we endorsed. Indeed, we fully agree with the view that a CTBT constitutes the litmus test for the willingness of States to halt the nuclear-arms race and to pursue nuclear disarmament. Failure, on the other hand, would have negative implications for disarmament, and we would have run the risk of delaying action into an uncertain future. Our collective experience in limiting armaments provides ample evidence that failure to seize an opportunity can result in regrettable delays.

Many countries throughout the world consider this resumed fiftieth session of the General Assembly as among the most important gatherings in the field of arms limitation and disarmament. The outcome of our endeavours will have profound implications for global peace and security. The draft text before us could have been improved to satisfy the critical interests of many Member States. We regret that it is not a consensus text. Although it is a step forward, it could unravel without universal support. We therefore call upon the nuclear Powers to forgo weapons development, which will assure non-nuclear nations of the intentions of sub-critical tests and experiments. It is also the responsibility of the nuclear Powers to put forward a credible and comprehensive programme of nuclear disarmament, to be negotiated under multilateral auspices. If in the foreseeable future, no concrete progress has been made on the objectives of stemming vertical proliferation and of nuclear disarmament, there will be a further erosion of the faith many countries have placed in the nuclear-weapon States. We must therefore clearly and unequivocally reaffirm our commitment to place ourselves on a path where, within a time-frame, we can achieve these common goals.

We have a great opportunity to begin a process that can restore the vision of a world without nuclear weapons. Given the critical nature of the lingering problems before us and their importance to the world, we are obligated to strive together to achieve the goals that we have set for ourselves. In view of these considerations, my delegation has decided to endorse the draft treaty now before us.

The President: We have heard the last speaker in the debate on this item for this meeting. We shall hear the remaining 15 speakers tomorrow morning at 10 o'clock in Conference Room 3.

The meeting rose at 6 p.m.

United Nations A/50/PV.124

General Assembly
Fiftieth Session

Official Records

124th plenary meeting
Tuesday, 10 September 1996, 10 a.m.
New York

President: Mr. Freitas do Amaral . . . . . (Portugal)

In the absence of the President, Mr. Kittikhoun (Lao People's Democratic Republic), Vice-President, took the Chair.

The meeting was called to order at 10.25 a.m.

Agenda item 65 *(continued)*

Comprehensive test-ban treaty

Draft resolution (A/50/L.78)

Letter from the Permanent Representative of Australia to the United Nations (A/50/1027)

Mr. Zahran (Egypt) *(interpretation from Arabic)*: The Egyptian delegation would like to thank the Australian delegation for its initiative to convene this meeting of the resumed session of the fiftieth General Assembly, another indication of Australia's policy to contribute positively to the international efforts aiming at nuclear disarmament, the latest of which was the report of the Canberra Commission on the Elimination of Nuclear Weapons.

The Egyptian delegation regrets that, despite its efforts since chairing the group on legal and institutional matters in the Ad Hoc Committee on a Nuclear Test Ban of the Conference on Disarmament, no consensus was reached this year in the Conference on the comprehensive test-ban treaty (CTBT) draft text contained in document A/50/1027. We believe that if more time had been allowed for the negotiations to continue it would have been possible for the Conference on Disarmament to reach agreement on some of the controversial issues in the draft text before the General Assembly.

The Egyptian delegation also regrets that no consensus was reached in the Conference on Disarmament to transmit the report of the Ad Hoc Committee on a Nuclear Test Ban, contained in document CD/1425 of 16 August 1996, to the General Assembly at its fiftieth session, pursuant to resolution 50/65. All Member States could have benefited from that report, as it contains the developments and results of the negotiations on the provisions of the treaty, in addition to the national positions of various members of the Conference on Disarmament on those provisions. The Ad Hoc Committee's report also acquires special importance as it contains the statement of the Chairman of the Committee, in which he presented his interpretation of some provisions relating to the abuse of national technical means and entry into force.

Egypt's support for the draft resolution contained in document A/50/L.78, which calls for the adoption of the draft CTBT text, is based on the fact that it contains positive aspects, which could be considered as a step — albeit limited — towards nuclear disarmament on a global level. This flexible and positive position should not be interpreted as indicating Egypt's full satisfaction with the text, which has several shortcomings.

In the first place, the draft does not include a commitment placing it in an identifiable framework for

96-86165 (E)

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nuclear disarmament. We made every effort to include in the provisions of the treaty a clear commitment to achieving total nuclear disarmament, and we consider it to be an important step in a progressive framework for nuclear disarmament regionally and worldwide. It is a programme that aims at achieving total nuclear non-proliferation both horizontally and regionally, and nuclear disarmament, by capping any further qualitative development of nuclear weapons according to the Decision on Principles and Objectives for Nuclear Non-Proliferation and Disarmament adopted by the NPT Review and Extension Conference in 1995.

Since then, in April 1996, the Pelindaba Treaty was signed in Cairo with the aim of establishing a nuclear-weapon-free zone in Africa. The non-proliferation system should be completed at the regional and global levels by expediting the process of, and giving priority to, establishing a nuclear-weapon-free zone in the Middle East, as a prelude to ridding the area of all weapons of mass destruction, following the initiative of President Mubarak of Egypt.

As coordinator of the Group of 21, and on behalf of 28 members of the Conference on Disarmament that are members of the Group of 21, Egypt submitted a proposal for a programme of action for the elimination of nuclear weapons, as contained in document CD/1419 of 7 August 1996. Egypt believes that the purpose of this programme of work is to compensate for the lack of commitment on nuclear disarmament in the draft text of the CTBT. We hope that this programme will be seriously studied in the Ad Hoc Committee on a Nuclear Test Ban, the establishment of which we, with the Group of 21, called for. It should also be taken into consideration during the fifty-first session of the General Assembly as a follow-up to resolution 50/70 P and, not least, in the 1997 review process on the NPT.

I would also like to refer to the report of the Canberra Commission issued in August 1996, the central message of which is that the doctrine of nuclear deterrence is militarily redundant and dangerous. We are looking forward to studying that report in detail, and I am sure that it, and the programme of action of the Group of 21, will contribute to international efforts aimed at eliminating nuclear weapons.

Those two contributions were made one month after the unanimous Advisory Opinion of the International Court of Justice was issued on 8 July 1996, which recognized that

> "There exists an obligation to pursue in good faith and bring to a conclusion negotiations leading to nuclear disarmament in all its aspects under strict and effective international control".

This should be implemented in the context of the future programme of work of the Conference on Disarmament, as that body is the sole multilateral negotiating forum dealing with disarmament.

I would like to pay tribute to the decision of the Subcommission on Prevention of Discrimination and Protection of Minorities of the Commission on Human Rights, in adopting resolution 1996/14 on 23 August 1996. The resolution

> "Affirms that weapons of mass destruction and in particular nuclear weapons should have no role to play in international relations and thus should be eliminated;"

and

> "Recommends that the relevant international forums, in particular the Conference on Disarmament, should immediately start negotiations on nuclear disarmament to reduce nuclear weapons globally within a phased programme, with the ultimate goal of eliminating those weapons, thus contributing to the enhancement of international peace and security and the protection of human rights and fundamental freedoms and above all the right to life". *(E/CN.4/Sub.2/1996/L.11/Add.1, resolution 1996/14, paras. 1 and 2)*

We believe that the scope of the basic obligations of article I of the CTBT draft contradicts the actual title of the treaty, which refers to a comprehensive nuclear-test ban. Egypt's amendment to this provision, which would have ensured that the ban covered all nuclear-weapons tests, was, regrettably opposed by the majority of nuclear-weapon States, while the majority of non-nuclear-weapon States supported it. As a result, the text submitted to the General Assembly paradoxically does not ban all nuclear testing, but is restricted to explosive testing only. We therefore have before us yet another partial nuclear-test-ban treaty, not a comprehensive one. Other kinds of non-explosive nuclear tests remain unprohibited and could be used to improve nuclear arsenals through the development of new generations of nuclear

weapons. We believe that this contradicts the ultimate objective agreed upon in the NPT Review and Extension Conference Decision on Principles and Objectives for Nuclear Non-Proliferation and Disarmament, adopted in May 1995.

On the important matter of on-site inspections, the Egyptian delegation is of the view that these should, once requested by a State Party, proceed in the smoothest possible manner and be halted only if it is demonstrated that the request is baseless. Therefore, the "green light" approach endorsed in the draft treaty does not serve, in our view, the best interests of the international community to ensure full compliance with the provisions of the treaty, since the relevant decisions of the Executive Council require 30 votes. This could impede the on-site inspection, and therefore it will not be possible to verify the full compliance with the provisions of the Treaty.

The use of national technical means also represents a matter of misunderstanding. We agree that such means should have their place in the treaty and can be useful as a complement to the International Monitoring System, with the necessary guarantees needed to avoid the potential abuse or selective and partial use of national technical means. However, we consider that the interpretation of these means by the Chairman of the Ad Hoc Committee on a Nuclear Test Ban in his statement delivered before the Committee on 9 August 1996 would provide additional assurances against the misuse or abuse of national technical means.

The Chairman's statement of 9 August 1996 contained also an understanding by the Chairman whereby it was noted that article XIV, paragraph 2, of the draft treaty regarding the "Entry into Force" did not refer to United Nations Security Council punitive and coercive measures under Chapter VII of the United Nations Charter. It is worthwhile to note here that Egypt has undertaken in the last stage of negotiations sincere efforts in order to reach a compromise text to article XIV; however, its efforts were not crowned with success.

Egypt regrets that the composition of the Executive Council, as reflected in the current text, does not reserve equitable and balanced treatment for African countries. On numerous occasions during the negotiations Egypt, together with others, expressed concern over the limited number of Executive Council seats reserved for Africa, which is, as compared to other regional groups, underrepresented. Those concerns have been ignored, as have those concerning the unprecedented regional group system that has found its way into the CTBT draft text and which divides the world into six regional groups, rather than the five we are accustomed to in the United Nations system. Setting such precedents despite serious opposition may affect the credibility of the treaty and limit its chances of achieving universality. In addition, the decision-making in the Executive Council — two-thirds majority for matters of substance — may also paralyse it in comparison with the similar body in the Chemical Weapons Convention.

These are some of the major preoccupations of the delegation of Egypt with regard to the draft treaty before us. Consequently, we cannot subscribe to the adoption of the draft text. However, Egypt supports the draft resolution contained in document A/50/L.78 calling for the adoption of the CTBT, in view of the fact that Egypt is convinced that the legal system banning nuclear tests should be completed in order to save humanity and to protect the environment. This treaty is a step towards nuclear disarmament, and it should be followed by several serious steps on the road to the elimination of nuclear weapons within an agreed time-frame.

Mr. Mapuranga (Zimbabwe): The Government of Zimbabwe has over the years supported, in various forums, initiatives aimed at reducing and eventually resolving conflict situations as well as eradicating confrontations throughout the world. Our commitment to world peace has been clearly demonstrated by our active participation in, and support for, the various and numerous resolutions and decisions of the General Assembly aimed at the maintenance of international peace and security.

On the eve of the twenty-first century, efforts to achieve lasting international peace and security have centred not only on general and complete disarmament, but also on the total elimination of nuclear weapons. The ongoing negotiations on the establishment of more nuclear-weapon-free zones — and Africa is one of them, on the basis of the Pelindaba Treaty — is testimony to the aspirations of the international community for a nuclear-weapon-free world.

The General Assembly mandated the Conference on Disarmament, which reaches its decisions by consensus, to undertake and conclude negotiations on a comprehensive nuclear-test-ban treaty, which would subsequently be endorsed by the General Assembly.

On 20 August, the Conference on Disarmament adopted the report of its Ad Hoc Committee, which concluded that no consensus had been achieved on the draft text of the comprehensive test-ban treaty (CTBT). Thus, under normal circumstances and in accordance with the spirit of consensus, which is the decision-making mechanism in the Conference on Disarmament deliberations, the CTBT draft was supposed to have been renegotiated and the concerns of those members of the Conference on Disarmament who had voiced reservations on the text addressed.

We are faced today with a situation where a CTBT draft text that did not enjoy consensus is being hurriedly submitted to the General Assembly for consideration.

We would like to point out that it is procedurally wrong to bring the current draft of the CTBT to the General Assembly before consensus is achieved in the body that was mandated by the General Assembly itself to negotiate the treaty and come up with a consensus text. Arguments have been advanced that this was due to *force majeure*, and we would strongly counsel that this procedural anomaly should not be allowed to constitute a precedent for our future *modus operandi*.

As for the text of the draft comprehensive nuclear-test-ban treaty (CTBT) before the Assembly, we would like to note that it fails to address the central issue of the eventual elimination of nuclear weapons in a time-bound framework. In that regard, my country fully supported the proposals alluded to by previous speakers which were made in Geneva on 7 August 1996 by 28 member States of the Conference on Disarmament for a programme of action for the elimination of nuclear weapons. Those proposals are contained in document CD/1419 of 7 August 1996 of the Conference on Disarmament.

Previous speakers have also alluded to the epoch-making Advisory Opinion of the International Court of Justice of 8 July 1996, which concluded that on the part of all States

> "There exists an obligation to pursue in good faith and bring to a conclusion negotiations leading to nuclear disarmament in all its aspects under strict and effective international control."

The good faith called for is not reflected in the draft treaty before us, and its contents do not reflect the wide scope of its title. This is not a comprehensive test-ban treaty, since it bans only nuclear-weapons-test explosions, leaving other forms of testing uncovered. The term "comprehensive" should be understood to mean all forms of testing of nuclear weapons.

Thus, the upshot of the treaty would be to allow the most technologically sophisticated nuclear-weapon States to continue to improve their arsenals. It is understandable that some nuclear-weapons-threshold States find this unsatisfactory, for it blocks their advancement into the nuclear club — yet it does not dissolve the club, but makes it even more exclusive.

Zimbabwe thus found it difficult to co-sponsor such a flawed treaty. My delegation will not, however, vote against the draft CTBT because, for all its imperfections, the banning of test explosions would rid the world of the hazard of nuclear fallout, which is a grave menace to humanity and the environment. My country will therefore vote for this draft treaty.

I wish to conclude by urging all of us to continue to work for a genuinely comprehensive test-ban treaty, for the elimination of the present stocks of nuclear weapons and for a world free of nuclear weapons.

Mr. Rodríguez Parrilla (Cuba) (*interpretation from Spanish*): Few times in modern history, and particularly since the start of what has come to be called the nuclear age, has there been an issue that has been so insistently and repeatedly pressed by the international community as the suspension and prohibition of nuclear-weapons testing.

There has been no shortage of initiatives and proposals, but we have always come up against the lack of political will on the part of certain nuclear Powers, which has delayed the attainment of this objective for more than 30 years.

In 1963 the international community welcomed with satisfaction and hope the negotiation efforts between certain countries with the goal of banning nuclear tests. Regrettably, that effort was but an inconclusive exercise that allowed only for the adoption of a partial Treaty Banning Nuclear Weapon Tests in the Atmosphere, in Outer Space and under Water. Those were precisely the tests that the research and scientific developments of the nuclear Powers had rendered unnecessary.

In other words, despite the call by the majority of the international community for a total and complete ban on tests, the military appetites and strategic nuclear

doctrines of certain countries encouraged the continued improvement and massive stock-piling of nuclear weapons. That gave rise to the situation we face today, where the vertical proliferation of such weapons has meant that there still exists today the latent threat of the total nuclear annihilation of mankind.

During all these years, countless resolutions have been adopted by the United Nations calling for, demanding and urging an end to nuclear-weapons testing through a comprehensive test-ban treaty.

There is no need to go back to the records of past sessions of the General Assembly to observe repeatedly why it was not possible to achieve agreement on a nuclear-test ban and who was responsible for the growth of nuclear arsenals and the continued tests of those weapons.

Cuba's position has been clear and transparent. Our people and Government, today as in the past, demand the elimination and destruction of nuclear weapons. In this process, nuclear-weapons tests of all types should be suspended and should be the object of a total and complete prohibition.

This aspiration has been repeatedly shared and advocated by many countries, and mainly by the Non-Aligned Movement, which since its establishment has demanded a ban on nuclear-weapons testing and nuclear disarmament as absolute priorities. This was endorsed by the Eleventh summit Conference of the Movement, held in Cartagena, Colombia, where the Heads of State and Government rejected all types of nuclear tests as inimical to the objectives of peace and international security and stability. They welcomed efforts to conclude negotiations on a comprehensive test-ban treaty in 1996 and declared that in order for it to be meaningful as a disarmament treaty it should be considered as an important step on the path towards the complete elimination of all nuclear weapons within a specific time-frame.

In keeping with its position in favour of the total elimination of nuclear testing, Cuba contributed to the intensive efforts made during the past two and a half years within the framework of the Conference on Disarmament. It was under Cuba's presidency that the Conference on Disarmament reached agreement on a negotiating mandate in this connection.

Cuba deeply regrets that the committee negotiating the treaty was unable to produce a consensus draft document because of the intransigence of certain nuclear Powers that did not allow the draft treaty to be given its true dimension and scope. Those Powers did not agree to commit themselves to the achievement of nuclear disarmament in an agreed time-frame, nor did they show that they were prepared to guarantee that they would not continue the qualitative development of nuclear arms.

The negotiating committee ended its work hastily, a fact not unrelated to the domestic aspirations of certain countries engaged in the electoral process.

The draft treaty before us today for adoption, in the judgement of our delegation, is not a comprehensive nuclear-test-ban treaty, as we would have preferred. Instead, it limits itself to being a treaty on the prohibition of nuclear explosions, as other speakers have said repeatedly.

The treaty before us for consideration could have been a major step on the road to nuclear disarmament. But, by not banning tests under laboratory conditions, it allows the nuclear Powers to continue developing and improving their nuclear weapons. It is for that reason an additional non-proliferation treaty. Cuba has no difficulty with the concept of non-proliferation when it is applied in a non-selective fashion, which is not the case here.

This was not the treaty that Cuba was seeking as the outcome of the negotiating effort. However, we believe that even though the treaty is tentative and partial in substance and procedurally contradictory and anomalous, it is nonetheless a step towards the ultimate goal of a total and comprehensive ban on all types of nuclear tests.

My delegation would have preferred the negotiating effort in Geneva to continue, and that an additional attempt be made to achieve the true objective. This would have made it possible to submit to the General Assembly a draft treaty that enjoyed universal acceptance.

We respect the right of every State Member of this Organization to submit to it those initiatives that it considers appropriate. But we are concerned, as has been said here, about weakening the procedures established and accepted by all for the work of the Conference on Disarmament.

The credibility of the sole multilateral negotiating forum on disarmament has been seriously damaged. Even the trust that we have all placed in that forum could be shaken.

We have before us a serious challenge, which, in our opinion, can be met only by heeding the appeal made in the declaration of the Group of 21 of the Conference on Disarmament for the establishment of an ad hoc committee on nuclear disarmament. This committee would consider the proposal made by that group of countries for a programme of action for the elimination of nuclear weapons, with specific stages towards this objective.

We cannot overlook the recent Advisory Opinion of the International Court of Justice, which, *inter alia*, recognized that there exists an obligation to pursue and conclude in good faith negotiations leading to nuclear disarmament in all its aspects under strict and effective international control.

Regardless of the final stand that our country will be taking in due course with respect to the treaty, following the appropriate consideration and legal procedures, and without prejudging the way we will act in this respect, Cuba will not oppose the adoption of the draft before us, given its importance and the legitimate interests of us all in our stance against nuclear weapons. However, in the light of the considerations expressed earlier, my delegation will abstain in the vote on the draft before us, convinced as we are that it is possible to make a further effort to achieve a comprehensive nuclear-test-ban treaty that would put an end to the qualitative development of nuclear weapons, and in the hope that the treaty that is adopted today will represent a first step in this direction.

Mr. Hasan (Iraq) (*interpretation from Arabic*): This resumed session of the General Assembly represents a milestone in the efforts of the international community towards complete and comprehensive disarmament. For 40 years the world has awaited the conclusion of the comprehensive test-ban treaty (CTBT), which we hope will not be the end of the road for nuclear disarmament.

The question that arises on this occasion is whether the treaty meets expectations. If this is not the case, then where are its shortcomings? How can we overcome them and achieve the goal referred to in paragraph 4 of the preamble to the treaty — the elimination of nuclear weapons?

It is quite clear that this treaty has not lived up to all expectations and that it has many shortcomings, including the fact that its framework does not cover all nuclear tests. It does not prevent laboratory-condition nuclear tests or the resulting effects of the qualitative improvement of nuclear arsenals and the increase in vertical proliferation. It does not refer to a clear-cut commitment to continue efforts towards complete and comprehensive disarmament in a set time-frame.

This is in addition to the procedural deficiencies that might hamper the entry into force of the treaty, and to the technical shortcomings that have raised fears that some of the procedures specified by the treaty might jeopardize the sovereignty of Member States and their right to maintain their key installations and prevent the disclosure of confidential data and information unrelated to the treaty. This is particularly true since previous tests proved the presence of such dangers. These shortcomings, and others, do not, however, negate the importance of the treaty as a step towards the loftier hope represented by nuclear disarmament.

Perhaps the countries located in hotbeds of tension — one of which possesses nuclear weapons — realize quite clearly the importance of any step towards nuclear disarmament. It is important not only to have an excellent text, but also for the Member State in question to demonstrate the political will to apply the text faithfully. Therefore, the adoption of the treaty by the General Assembly will be a first step in making it a tangible reality guiding the conduct of States — particularly the responsibility of nuclear-weapon States for the elaboration of a credible, comprehensive multilateral programme for nuclear disarmament — so that this treaty will represent a step towards our goal and not an end in itself.

The lack of a time-bound framework for nuclear disarmament in the foreseeable future and the absence of a firm commitment to non-nuclear States not to use or threaten to use nuclear weapons will encourage the belief of many — as we saw last year in the course of the Review and Extension Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) — that certain nuclear-weapon States tend towards nuclear exclusivity. That will definitely weaken the credibility of this treaty.

For its part, the international community and its relevant institutions are duty-bound to seek the universality of international treaties in the field of disarmament and their faithful implementation by all parties. Uneven implementation should not offer advantages to some at the expense of others.

Whoever believes that the world today is less vulnerable than it once was to the dangers of nuclear

annihilation is dead wrong. Policies of nuclear deterrence remain current. By the same token, the power of force and the tyranny of military supremacy still rule the decision-making centres of some Member States. Day in and day out, we witness the reckless exploitation of military technical advantages in the launching of long-range cruise missiles with the aim of blackmailing States and interfering in their internal affairs. This bitter reality makes it deeply incumbent on the international community to pursue its endeavours to rid humanity of nuclear weapons and to ensure that the treaty under discussion, despite its shortcomings, becomes one step in that direction.

Mr. Shah (Nepal): A total nuclear test ban has been the elusive goal of the United Nations for over 40 years. We achieved a partial test ban 33 years ago. Since that time, a comprehensive test ban has remained one of the highest priority objectives of the United Nations in the field of nuclear disarmament and non-proliferation.

Nepal has for decades been a strong advocate of a comprehensive nuclear-test-ban treaty and we were happy that, two years ago, the General Assembly mandated the Conference on Disarmament to negotiate a multilateral comprehensive test-ban treaty. Thereafter, progress in this respect has been steady. The Principles and Objectives for Nuclear Non-Proliferation and Disarmament adopted in May 1995 by the Review and Extension Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons set this year, 1996, as the deadline for the conclusion of the comprehensive nuclear-test-ban treaty. General Assembly resolution 50/65, which was adopted without a vote in December last year, also set a time-bound programme. It called upon the Conference on Disarmament to conclude, as a task of the highest priority, a universal and multilaterally verifiable comprehensive nuclear-test-ban treaty which contributes to nuclear disarmament in all its aspects, so as to enable its signature by the outset of the fifty-first session of the General Assembly.

In the belief that the achievement of this goal at this session will represent a most significant decision of the international community on the issue of nuclear disarmament, my delegation will support the draft resolution contained in document A/50/L.78, which would have the General Assembly adopt the text of the comprehensive nuclear-test-ban treaty circulated in document A/50/1027. We also believe that the proposed treaty is an essential step towards the fulfilment of the commitment undertaken by the nuclear-weapon Powers in article VI of the nuclear non-proliferation Treaty to pursue negotiations in good faith on effective measures relating to the cessation of the nuclear arms race at an early date and to nuclear disarmament.

We want to hold the nuclear-weapon Powers to their solemn pledge. However, a CTBT in its present form does not fulfil our cherished goal: a world free of nuclear weapons. I want to reiterate Nepal's long-standing position that the international community, the Conference on Disarmament in particular, should pursue time-bound nuclear disarmament targets; we would have welcomed these targets included in the text of the draft treaty. We would like to urge the members of the Conference on Disarmament, especially the nuclear-weapon Powers, seriously to consider in future negotiations the programme of action for the elimination of nuclear weapons jointly submitted by 28 non-aligned and neutral States members of the Conference on Disarmament.

We believe that such a course of action is possible. We would also like to point out that their good-faith treaty undertaking under the nuclear non-proliferation Treaty will represent a compelling obligation on the part of the nuclear-weapon Powers to see to it that the proposed treaty becomes a truly comprehensive test-ban-treaty prohibiting all kinds of tests, not just explosive tests.

Mr. Slade (Samoa): Samoa is very grateful to Australia for the initiative taken and for introducing the draft resolution now before the Assembly.

My Government is a co-sponsor of the draft resolution; it is one of the 16 South Pacific Forum Governments which, five days ago — and consistent with their long-standing position — declared in no uncertain terms their strong and full support for the adoption at this General Assembly session of the comprehensive test-ban treaty (CTBT). I have the honour here to restate and to reemphasize that support.

For decades now, Governments and citizens alike have laboured to end the nuclear arms race and to eliminate nuclear weapons. We believe that the conclusion and adoption of a truly comprehensive test-ban treaty is vital to these efforts. Last year at their Review and Extension Conference, the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) called for a CTBT not later than 1996 and, at its fiftieth session, the General Assembly also called for a CTBT to be ready for signature by the outset of its fifty-first session. The clear demand of Member Governments — indeed, of the international community — is for a CTBT

that is comprehensive and provides for verification of compliance.

We share completely the view that, given the state of the negotiations in the Conference on Disarmament, the text of the treaty now before the Assembly offers possibly the only chance to meet this schedule and the requirement for an early and verifiable CTBT.

We all know that to this day well over 2,000 nuclear-weapon tests have been carried out. That means that for more than 50 years there has been a nuclear explosion almost every nine days. That is an appalling statistic; certainly it cannot be a record any of us can be proud of. Too many — far too many — of those tests took place in our region in the Pacific.

The Assembly will then understand the anxiety of my own Government that the moment — surely a historic moment — be firmly seized. From our perspective, the failure to conclude a CTBT bears with it every possibility of the resumption of testing.

We understand, of course, that stopping nuclear testing will not eliminate nuclear weapons. We certainly recognize the shortcomings in the text. But a failure to conclude a CTBT now will only prolong the danger and threat of nuclear weaponry. The CTBT is the first turn in a long and undoubtedly difficult journey towards eliminating nuclear weapons for ever. Thereafter, much more will remain for us all to undertake. The most obvious steps to be taken have been identified in last year's Treaty on the Non-Proliferation of Nuclear Weapons (NPT) Review and Extension Conference and in the Advisory Opinion of the International Court of Justice on the question of the illegality of nuclear weapons, as well as in such important studies as the recently completed Canberra Commission report.

For the moment we should acknowledge the importance of the affirmation in the text before us from those countries with nuclear weapons that they are willing to undertake specific additional measures to halt the improvement and development of their nuclear weapons and thereby make further progress in the process towards nuclear disarmament.

Mr. Zlenko (Ukraine): For several decades the international community has been seeking a comprehensive treaty mechanism to ban all nuclear tests. In the past, more than 2,050 nuclear explosions have been conducted. That is too many. In many countries public opinion has been alarmed by the nuclear-weapon tests carried out by some States and considers them to be very hazardous to the health of people and seriously damaging to the environment.

We cannot but note with satisfaction, therefore, that such a mechanism — a comprehensive nuclear-test-ban treaty — which all five nuclear-weapon States have expressed their political will to be committed to, is almost completed.

Today, with the adoption of the draft resolution, initiated by Australia and sponsored by more than two-thirds of the Member States, including my country, the world will move one step closer to its long-aspired goal — to free our planet from the burden of nuclear arms.

The withdrawal of the last strategic nuclear warhead from the territory of Ukraine on 1 June 1996 demonstrated Ukraine's commitment to the concept of universal nuclear disarmament and its desire to take practical steps which would bring mankind closer to an era in which all the peoples of our planet will be able to live without the threat of nuclear annihilation. In spite of the relatively short period of its independence as a State, Ukraine has thus made a substantial contribution to the reduction of the nuclear threat and the creation of a safer world.

Ukraine is objectively interested in further continuing and deepening nuclear arms reductions. Within this context we consider the conclusion of the comprehensive nuclear-test-ban treaty to be an extremely important element of the whole process of terminating the nuclear arms race.

We believe that the text of the draft treaty represents a sound compromise that takes into account the positions expressed by different parties to the negotiations in the Conference on Disarmament, thereby striking a realistic balance between desirable and currently attainable objectives.

Ukraine has taken the important decision to sign the treaty as soon as it is opened for signature and to start the internal ratification process as a matter of exceptional foreign policy priority. A definitively positive message on the comprehensive test-ban treaty from New York is impatiently awaited by too many in the world, and we cannot allow these hopes to be frustrated. Let us act now.

Mr. Moher (Canada): It is a great pleasure for Canada to be participating in this resumed fiftieth session of the General Assembly. I wish briefly to state why it is such a great pleasure.

For approximately 40 years Canada has been a strong advocate of measures to advance nuclear disarmament and nuclear non-proliferation. This position has been consistently put forward and actively pursued wherever and whenever possible, whether in the negotiation of the Nuclear Non-Proliferation Treaty, in support of the Partial Nuclear Test-Ban Treaty during the 1960s, in support of the Strategic Arms Limitation Talks (SALT) process in the 1970s, or in our strong endorsement of the current Strategic Arms Reduction Talks (START) process. That policy position defined our approach to the 1995 Review and Extension process for the Treaty on the Non-Proliferation of Nuclear Weapons (NPT). Canada, while particularly pleased with the 1995 decision to extend the NPT indefinitely, also strongly endorsed the Decision on Principles and Objectives for Nuclear Non-Proliferation and Disarmament which emerged from that Conference. For Canada those Principles and Objectives reflect a clear commitment to move forward in as progressive and dynamic a manner as possible to advance these two shared objectives — nuclear disarmament and nuclear non-proliferation.

It is in that context that Canada fully endorses the text of the comprehensive nuclear-test-ban treaty contained in document A/50/1027. Canada, as an active participant in the intensive negotiations over the past two years — and certainly during the past six months — has concluded that that text reflects the best achievable at this time. This conclusion is a concrete demonstration of Canada's approach to these matters as stated earlier: to seize every possible opportunity to move forward whenever and wherever possible as we advance towards the goal of the complete elimination of nuclear weapons. The bottom line of this treaty is that it will prohibit any nuclear-weapon test explosion or any other nuclear explosion; that it will do so in a multilaterally verifiable way; and — as it states in the preamble — that it will constrain

> "the development and qualitative improvement of nuclear weapons and [end] the development of advanced new types of nuclear weapons". (*A/50/1027, p.6*)

In our considered view, this is a valid, valuable and vital measure of nuclear disarmament and nuclear non-proliferation. The signature and ratification of this treaty in the near future by the vast majority of the international community, including the five nuclear-weapon States, will mark a major advancement of international law. For that reason, we have devoted considerable effort in recent weeks to encouraging as many States as possible to be cosponsors and/or otherwise support this treaty.

From Canada's perspective, this is only one more step, albeit a critical one, towards the attainment of the larger objectives of nuclear disarmament and nuclear non-proliferation. We will continue to advocate, endorse and participate, as actively and as positively as possible, in further measures to those ends. Our commitment to the Principles and Objectives which emerged from the NPT extension process was not and is not a paper commitment.

In conclusion, and echoing the voices of many others in this Assembly, Canada firmly believes that four decades of aspirations and more than two years of intensive negotiations cannot and will not be thwarted or wasted. We hope, and indeed urge, that the great majority of States represented here will also take such a position and, moreover, soon sign and commit themselves to participating constructively in the preparation and implementation process to follow. Our common commitment to international peace and security demands no less.

The Acting President: I should like to inform the Assembly that the representative of Bangladesh has requested to participate in the debate on this item. Inasmuch as the list of speakers was closed yesterday afternoon at 5 p.m., if there is no objection, this delegation will be included in the list of speakers.

It was so decided.

Mr. Zarif (Islamic Republic of Iran): Have we achieved what we have yearned for through decades: a comprehensive ban? Have we succeeded in freezing the development of nuclear weapons? Have we at long last set the stage for nuclear disarmament? Will this generation or our children be able to open their eyes one day soon to a world that is no longer haunted by the horror of nuclear weapons — a nuclear-weapon-free world?

It has taken 50 years since the first nuclear test in Los Alamos to put an end to these tests. Throughout this time, nuclear-weapon States have conducted more than

2,000 tests for the development and qualitative improvement of their nuclear arsenals.

The President took the Chair.

Throughout these long, horrifying years, the non-aligned have persistently called for the prohibition of testing and the conclusion of a comprehensive test-ban treaty (CTBT). The objective has also remained consistent: an end to the development of nuclear weapons in all its aspects as a step towards nuclear disarmament.

During negotiations on the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) within the 18-member Disarmament Committee, the non-aligned States demanded an express commitment and a provision in the Treaty for a CTBT, along with some other steps towards nuclear disarmament. In the 1995 Review and Extension Conference of the Parties to the NPT, the indefinite extension of the Treaty would not have come about had the CTBT not been clearly on the horizon. There is therefore no question that the call for the CTBT was initiated by the non-aligned States as a necessary step towards nuclear disarmament and that, throughout years of deliberation, it became an essential part of the non-aligned vision for the future of our world.

It should logically follow that the non-aligned States should be rejoicing today, now that a text of the CTBT is before the General Assembly for adoption. But what we see here, to our most profound regret, is an attitude that can at best be described as sombre. The reason, I believe, is too evident to require any complex conceptual or philosophical debate.

The present CTBT text does not meet nuclear disarmament criteria as originally intended. We had not perceived a CTBT solely as a non-proliferation instrument; the treaty must terminate fully and comprehensively further development of nuclear weapons. However, the current text only bans explosions, thus limiting such development in certain aspects alone, while leaving other avenues wide open.

This is not just a matter of wording. It is a matter of intentions. In Geneva, some nuclear-weapon States were adamant and explicit in stating that this treaty was not aimed at ending the development of nuclear weapons and that such developments should be allowed and would continue with more sophisticated techniques.

We are concerned, therefore, and we have every reason to be concerned.

This treaty cannot be considered in a vacuum. There is no longer any secret that competition has already started in the accumulation and utilization of technology and data collected from nuclear explosions to conduct advanced simulation testing. There is serious and real risk, therefore, that the nuclear arms race will be reignited at a new and probably more dangerous level. This draft treaty can thus be effective essentially in arresting proliferation and containing some nuclear-weapon States. But it fails to freeze further development of nuclear weapons by all States.

It is, on the other hand, a matter of public information that nuclear disarmament continues to remain in oblivion, as commitment is absent for any step beyond a CTBT and possibly a cut off. It has in fact been stated openly and repeatedly by some nuclear-weapon States that no measure towards nuclear disarmament could be envisaged at the international level save existing bilateral nuclear-weapon-reduction arrangements. Any notion of introducing time-frames, even flexible ones, for measures which lead to nuclear disarmament have also been rejected and even ridiculed.

The text, therefore, has major shortcomings in areas that are essential in order to preserve its stated objectives. There are also other problems in the text. In a number of areas, the text fails to meet our expectations and those of the non-aligned countries as a whole. One particular problematic area relates to the question of national technical means. Here, the non-aligned States had insisted during the negotiations that with an elaborate and extensive International Monitoring System, resort to national technical means as a way to trigger inspection was unnecessary and irrelevant. In devising the verification regime, it was always borne in mind that it should be effective, comprehensive and, at the same time, not open to abuse.

Two years of intensive discussions and negotiations with the participation of highly qualified experts from various countries led to the system designed specifically for the treaty, a system which includes more than 300 stations from four monitoring networks to register and detect the principal features of any probable nuclear explosion. The geographical coverage is such that data is collected simultaneously from all parts of the world and transmitted instantaneously to the international data centre.

Despite all this, some nuclear-weapon States that normally consider any international system as unreliable and have strong tendencies towards unilateralism remained intransigent on the position that such an extensive, comprehensive and, indeed, expensive International Monitoring System should be equal in authority to their national technical means. What that meant was that individual States could be enabled to register claims of violations based solely on their own private, non-transparent sources.

In this context, arguments raised on the necessity of detecting sub-critical explosions turned out to be only a pretext. Otherwise, the proponents of the idea should have agreed to limit the validity of national means to those explosions, with the proviso that they would be phased out once the international monitoring system was equipped to detect sub-critical tests. What we saw in the end was that despite opposition from the great majority of States, the position of the one or two unilateralists prevailed.

We consider, however, that the changes at the last stage, which increased the number of votes required to trigger an inspection on the basis of national technical means could reduce the possibility of abuse. We insist, at the same time, that by no means should the text be interpreted as providing equal status or weight to national technical means in comparison to the international system.

There is another problem which is purely political and has nothing to do with the treaty and, as such, was completely avoidable. Israel has, for the last four decades, been consistently considered a part of the group of Western European and other States in all major international organizations. Yet for some mysterious reason, some in the Western group rejected Israel from their group and imposed it instead on the group of Middle Eastern and South Asian States, despite the fact that such inclusion had been opposed throughout the negotiations.

What appears in the text in this regard is an aberration which remains objectionable. Let me assert that those few who intended to score a political point have, by doing so, created an obstacle for the implementation of the treaty, as confrontation in this regional group would make it tremendously difficult for the Executive Council to be formed. The Conference of the States Parties then would eventually be compelled to find a way to redress this problem.

In sum, therefore, this text is grossly tilted towards the position of a few nuclear-weapon States and their allies and severely lacks balance.

I shall now proceed to answer the questions I raised at the beginning. The draft treaty does not meet the expectations of the great majority of the world. It fails to achieve its stated objectives within its intended context. It also falls short of what the mandate had called for. It is a text that is fine-tuned to satisfy the views and positions of a few nuclear-weapon States. There is, therefore, no real cause for celebration.

Most of the States that have eventually agreed to allow the draft treaty to be adopted have done so with hesitation and concern. Many have expressed discontent at the Conference on Disarmament, at the General Assembly and elsewhere. Support is disheartened and dispirited.

For us in the Islamic Republic of Iran this is a difficult decision. We have been among the major proponents of the comprehensive test ban all along. We have spared no effort to promote and to achieve it. We presented a draft compromise text when the positions of various interlocutors were miles apart. That text, incidentally, is still believed by many to present a much more reasonable balance than the one put forward for adoption here today.

The Conference on Disarmament had the ability and the opportunity to bring about consensus, as it had done on various occasions in the past. There was no reason that it could not do the same again, except for a behind-the-scenes decision by a few States to bring the negotiations to a premature, sudden halt. Yet despite the availability of time, no real discussion or consultation took place once the text had been presented, as the few who had managed to inscribe their one-sided positions in the text during the final exclusive round of negotiations threatened the unravelling of the whole text if there were even minimal alterations. Diplomacy gave way to pressure tactics, which deepened dissent and opposition. The CTBT has thus been seriously harmed.

We are therefore left with one choice, a choice between having a flawed treaty or abandoning the treaty altogether: an unwanted choice indeed. In our overall assessment, therefore, and on the basis of our strong desire for the nuclear-test ban, we would go along with the decision here, while reserving our position on the

points we have stressed throughout the negotiations and reiterated here today.

We shall also continue to pursue these positions both within the context of the CTBT and in the Conference on Disarmament and other relevant forums. We shall redouble our efforts in collaboration with other non-aligned States to push for a programme for nuclear disarmament within agreed time-frames. In fact, the move has already been initiated through the proposal of the 28 non-aligned States at the Conference on Disarmament.

It is also our expectation that other non-nuclear-weapon States will join hands with us in impressing upon nuclear-weapon States that lukewarm claims of commitment to nuclear disarmament can no longer be accepted. The CTBT, with all its shortcomings, should accelerate the process of nuclear disarmament through negotiations on a consecutive series of subsequent treaties. We shall not rest until our planet is free from the scourge of nuclear weapons.

Mr. Kunda (Zambia): To begin with, I wish to thank you, Mr. President, for convening this important resumed fiftieth session of the General Assembly to consider agenda item 65 in pursuance of resolution 50/65 of 12 December 1995.

I also want to salute the member States of the Conference on Disarmament in Geneva for having negotiated the comprehensive test-ban treaty (CTBT), a draft text of which we are here to adopt. They engaged in intense negotiations and showed perseverance and commitment to the cause of nuclear disarmament. They came up with a draft text which is essentially a compromise document.

The international community in general, and the General Assembly in particular, have consistently made clarion calls for the establishment of a comprehensive test-ban treaty for over three decades. Those clarion calls have now been answered by the draft CTBT text before this Assembly and awaiting final adoption.

This treaty is obviously an imperfect one. It has not addressed all the legitimate concerns of non-nuclear States. Zambia would, for instance, have preferred the treaty to have been linked to the elimination of nuclear weapons in a time-bound framework. However, imperfect as the Treaty is, we believe that it is an important step on the road to nuclear disarmament. It will contribute to the efforts to diminish the role of nuclear weapons in international security considerations. For these reasons and other considerations, Zambia will lend its support to the draft resolution contained in document A/50/L.78 and the draft treaty text contained in document A/50/1027.

We must, however, bear in mind that the CTBT is not an end in itself. It should only spur us all to greater heights in our relentless quest for a world free of nuclear weapons and their means of delivery. The world is not yet free from nuclear weapons. It is therefore now incumbent upon nuclear-weapon States to accelerate their efforts aimed at the total eradication from the face of the Earth of all nuclear weapons and their systems of delivery. We all know only too well that these are, after all, not weapons of war — they are weapons of mass destruction. Their continued existence will always keep mankind and human civilization on the brink of extinction if a nuclear conflagration were to occur, whether on purpose or by accident or miscalculation.

It is also my country's considered view that the non-proliferation regime, which promises to be greatly strengthened by the CTBT, would be further bolstered by a fissionable-material-production cut-off treaty. The Conference on Disarmament in Geneva should therefore spare no effort in initiating intensive negotiations on a fissionable-material cut-off treaty.

Mr. Jayanama (Thailand): Ever since the explosion of the first atomic bomb, mankind has waited for the day that this dreadful weapon of mass destruction would be eliminated forever from this Earth. More than 50 years after that first explosion, we are still waiting.

Today, my delegation is joining with many other members of this Assembly to bring the world one step closer to that goal. The draft resolution, of which my delegation is a cosponsor and which it wishes to vote in favour of today, would give formal recognition to a historic document: a treaty that will ban all nuclear-weapon-test explosions under all circumstances.

Certainly, the treaty, in its current state, is long overdue and far from perfect. However, in spite of its imperfections, the treaty promises us all a brighter future. At the least, we and our children will no longer have to live in the fear of nuclear fallout from neighbouring countries and regions, fallout which could contaminate our land and environment for generations. It is hoped that, once operational, the treaty will also help obstruct any qualitative improvement of nuclear weapons and their components in the possession of the many nuclear

aspirants. It will help impede, if not put a stop to the senseless race towards nuclear superiority, particularly at the regional level.

It is truly unfortunate that, today, we have to lend our approval to this treaty in an unprecedented and unorthodox manner. In doing so, my delegation would like to emphasize that Thailand's cosponsorship of and support for the draft resolution that we have before us does not in anyway negate the high importance that Thailand attaches to the competence and work of the Conference on Disarmament as the principal forum for multilateral disarmament negotiations. In fact, it is precisely because of our recognition of and appreciation for the Conference's hard work and exceptional efforts in negotiating and drawing up this treaty that we decided to join other delegations in supporting the draft resolution. We were saddened that consensus could not be reached on the draft treaty and we cannot remain indifferent to the notion that, after more than two years of intense negotiations and in spite of the almost universal acceptance of the draft treaty, the comprehensive test-ban treaty (CTBT) would be left to languish in the archives of the Conference on Disarmament.

By the same token, I should like to emphasize that Thailand's support for the treaty, with its deficiencies and loopholes, is by no means a final objective. As mentioned earlier, my delegation believes that the CTBT is simply a single step forward. Thailand will remain steadfastly committed to the goals of general and complete disarmament, especially of nuclear weapons and other weapons of mass destruction. More importantly, Thailand will continue to work towards the elimination of all nuclear weapons within a time-bound framework and to cooperate with all delegations and institutions to realize this goal.

The international community has been dreaming of a nuclear-free world for far too long. Now that we are about to move a step closer to our dream through the adoption of the CTBT, let us try our utmost to ensure that this treaty becomes truly effective both in law and in spirit.

Mr. Ayewah (Nigeria): Today, we take a very important step in the continuing effort to promote international peace and security, in line with our obligations under the United Nations Charter. We are being called upon to consider a text of a comprehensive test-ban treaty (CTBT), which represents a significant movement from the import and intent of the 1963 Treaty Banning Nuclear Weapon Tests in the Atmosphere, in Outer Space and under Water.

We acknowledge the monumental effort that has been made by the Conference on Disarmament to negotiate such a text. Imperfect as it is, we are delighted to note that a major effort has been made to produce a text of a CTBT with demonstrable objectives within a target date, as enjoined by the General Assembly at its fiftieth session.

It is my delegation's hope, therefore, that on all other questions before the United Nations we will endeavour to be guided by such admirable concern for meeting deadlines and target dates.

We note that a draft resolution is currently before the Assembly and that it has been sponsored by a sizeable number of States. The Nigerian delegation welcomes this enthusiasm, but cannot but place on record that it finds itself uncomfortable with the procedure by which this draft resolution has been brought to the General Assembly. We must seek to maintain the dignity and authority of the Conference on Disarmament as the single multilateral negotiating body on disarmament and respect its pre-eminent rule of consensus. It would of course be a hard sell to explain to people that we failed to adopt a CTBT when there was one available to adopt, and particularly against the backdrop of international expectations geared to this possible eventuality.

It would have been preferable to spend more time in negotiating the treaty so as to tie up the loose ends, reach accommodation on matters of principle and substance and make the treaty more comprehensive both in intent and scope, and thus enable it to enjoy consensus. In that way, full implementation of the treaty by all States would be assured.

We have drawn attention to the awkwardness of a situation in which a procedure is micro-managed in order to achieve a predetermined outcome. We witnessed this type of micro-management during the extension process of the Non-Proliferation Treaty, as a result of which the possession of nuclear weapons is now vested in perpetuity in the hands of the five nuclear-weapon States.

That situation negates the principle of equality of access to nuclear technology for development and even the principle of the sovereign equality of States.

Be that as it may, my Government has agreed to support the adoption of the present text of the CTBT not for what it does not say, but for what it has tried to say and provide for, and more importantly as a complement

to the Partial Test-Ban Treaty of 1963. We continue to believe that the CTBT must not be conceived solely as a nuclear non-proliferation measure, but as an important step towards the ultimate elimination of nuclear weapons.

On the basis of the foregoing, there is a clear moral responsibility on the part of the nuclear-weapon States in particular to conduct themselves responsibly and refrain from any action that may tend to undermine international peace and security by their continued possession of nuclear weapons. They must accept the option of nuclear disarmament within a time-bound framework, which is the next logical undertaking by the Conference on Disarmament after the adoption of a CTBT by this Assembly.

Mr. Guillén (Peru) (*interpretation from Spanish*): Peru has adhered to a long-standing and consistent policy aimed at banning nuclear tests and at contributing to the achievement of complete nuclear disarmament and nuclear non-proliferation in all its aspects. We endorsed the Treaty of Tlatelolco, which established the first nuclear-weapon-free zone. That international instrument is now complemented by various treaties on nuclear-weapon-free zones on other continents.

The series of resolutions adopted by consensus by the General Assembly — in particular resolution 50/65, which all countries represented here adopted last year — have voiced great expectations for the early finalization and adoption of the comprehensive nuclear-test-ban treaty, which was negotiated intensively in the Conference on Disarmament. We appreciate the intense effort made in that body, which led to a draft treaty whose adoption we cannot indefinitely postpone. We regret that there was no consensus on its formal presentation to the General Assembly. However, we cannot overlook the importance of this draft and the conviction that it is a major step in a process whose importance we cannot deny.

Of course, we share the dissatisfaction expressed here in the General Assembly as well as in Geneva over the disengagement from a genuine programme of nuclear disarmament — the true goal of instruments such as the Non-Proliferation Treaty and this draft, which we consider stages in that process — and over the blatant change of emphasis from banning nuclear tests to banning nuclear explosions, as well as that expressed in other positions placed on record by the Peruvian delegation in paragraph 33 of the report of the Ad Hoc Committee and in the Conference on Disarmament, which I should like here to reiterate. We believe that the draft resolution before us should in no way not set a precedent that could diminish the role of the Conference on Disarmament as the main negotiating forum for disarmament matters.

The consensus on resolution 50/65 confers a special character on draft resolution A/50/L.78 and also gives integrity to the unwavering support that my delegation will provide for it.

Mr. Izquierdo (Ecuador) (*interpretation from Spanish*): The General Assembly called on the Conference on Disarmament, in particular the nuclear-weapon States, to conclude, as a task of the highest priority, a universal and multilaterally and effectively verifiable comprehensive nuclear-test-ban treaty that would contribute to nuclear disarmament and the prevention of the proliferation of nuclear weapons in all its aspects, so that it would be opened for signature by the outset of the fifty-first session of the General Assembly.

Ecuador, in co-sponsoring draft resolution A/50/L.78, is heeding the appeal made by the international community that a fundamental step be taken to put an end to this universal threat and responding to the urgency of establishing the mechanisms needed to protect humankind from that threat.

We should act not tomorrow but today, while there may still be time, before other countries join the group of Powers that have the capability to trigger the detonators of a universal holocaust. Mankind can no longer be a mere spectator to the demonstration of power by the few, nor can it halt its development because of the will of a minority. Ecuador obviously attaches the highest priority to this matter and calls on the Members of the United Nations to adopt today, in keeping with the mandate of resolution 50/65, the text of the comprehensive test-ban treaty so that it can be opened for signature in order to put an immediate end to an age of terror during which more than 2,000 test explosions have taken place, the human health and environmental consequences of which have not yet been fully established.

This is therefore a historic moment in the efforts made over many years to advance disarmament and strengthen international peace and security.

Mr. Londoño-Paredes (Colombia) (*interpretation from Spanish*): My country is a party to the Treaty on the Non-Proliferation of Nuclear Weapons, the Tlatelolco Treaty and the Antarctic Treaty. It has for many years

been committed to the disarmament cause, and for this reason we attach great importance to the signing of the comprehensive nuclear-test-ban treaty (CTBT).

My delegation co-sponsored the draft resolution under consideration today in the conviction that the comprehensive nuclear-test-ban treaty constitutes a significant step forward for non-proliferation within the framework of the disarmament process, even though the text of the treaty is far from satisfactory, as it does not fully address the concerns that have characterized the struggle of developing countries to combat the threat of nuclear weapons.

My delegation considers the treaty to be an initial, though major, step forward. As it is inconceivable to have a world in which only a certain group of countries has the right to possess nuclear weapons indefinitely, and since we are able to conceive of the possibility of a world free from nuclear weapons and other weapons of mass destruction, we invite the nuclear-weapon States to take further action and begin firm negotiations with a view to the elimination of nuclear weapons within a specific time-frame. In this regard we subscribe completely to the views expressed by the Heads of State or Government of the Non-Aligned Movement at Cartagena in October 1995, when they reaffirmed that for the comprehensive test-ban treaty to be meaningful in the context of a disarmament treaty it must be considered an important step towards the complete elimination of nuclear weapons within a specific time-frame.

On 8 July 1996 the International Court of Justice issued a unanimous Advisory Opinion dealing with the threat or use of nuclear weapons, stating that there existed an obligation to pursue in good faith and bring to a conclusion negotiations leading to nuclear disarmament in all its aspects under strict and effective international control. We look forward to action consistent with that International Court of Justice Advisory Opinion.

The court also highlighted the great importance of article VI of the Treaty on the Non-Proliferation of Nuclear Weapons, which states:

> "Each of the Parties to the Treaty undertakes to pursue negotiations in good faith on effective measures relating to cessation of the nuclear arms race at an early date and to nuclear disarmament, and on a treaty on general and complete disarmament under strict and effective international control."

In conclusion, while we regret that the Conference on Disarmament was not able to reach the desired consensus on the text of the comprehensive nuclear-test-ban treaty, we believe that the exceptional circumstances in which we are considering this text today should not constitute a precedent or affect the decision-making procedures of the Conference on Disarmament.

Mr. Ziauddin (Bangladesh): It is a fundamental principle of Bangladesh's policy to seek general and complete disarmament, a commitment that has been reflected in our adherence to the major international treaties and conventions relating to disarmament. We are therefore trying to play an active and constructive role at the 61-member Conference on Disarmament, to which Bangladesh was admitted on 17 June 1996.

The comprehensive test-ban treaty (CTBT) has long been a demand of the Non-Aligned Movement. In fact, the first Non-Aligned Movement Summit in Belgrade in 1961 also demanded a CTBT. Two years later a partial test-ban Treaty was concluded, and since then the Non-Aligned Movement has been pressing for a CTBT.

Obviously, a CTBT cannot be an end in itself. It is, however, an important step towards preventing the further development and refinement of nuclear weaponry and towards the ultimate goal of nuclear disarmament. According to many experts it is also an important environmental-protection measure in line with the partial test-ban Treaty.

The road towards nuclear disarmament may be long and even tortuous, and the process can move forward only step by step. Bangladesh is a non-weapon State party to the Treaty on the Non-Proliferation of Nuclear Weapons (NPT), and as such our commitment to nuclear non-proliferation goes far beyond the provisions of the CTBT. Our position is that we welcome the conclusion of a zero-yield, internationally verifiable, universal CTBT. We see the CTBT as a stepping-stone towards the ultimate objective of nuclear disarmament.

We expect nuclear-capable States not to resort to non-explosive techniques, including laser ignition, computer simulation or hydro-nuclear and laboratory testing to further refine their nuclear arsenals. This would be a clear breach of faith with the vast number of NPT signatories. The ideal situation would be for the nuclear-weapon States to agree, simultaneously with the CTBT, on a time-bound framework for nuclear disarmament. That ideal, however, should not be an obstacle to what is

achievable now. It should, of course, encourage us to persist in our efforts.

A major consideration for Bangladesh with regard to the CTBT is the financial obligation that will devolve on the States parties as a result of the preparatory committee, the technical secretariat and the International Monitoring System. Bangladesh, as a least-developed country, would have to base its decision to a large extent on the budgetary implications, especially if it would mean paying for a CTBT that merely reaffirms part of a broader commitment already made in the context of the NPT.

In conclusion, I would like to state that Bangladesh is in the meantime pleased to extend its support to draft resolution A/50/L.78 on the CTBT, which is before us today.

The President: We have heard the last speaker in the debate on this item for this meeting. We shall meet at 3 this afternoon in Conference Room 3, to take action on draft resolution A/50/L.78.

The meeting rose at 12.20 p.m.

United Nations A/50/PV.125

General Assembly

Official Records

Fiftieth Session

125th plenary meeting
Tuesday, 10 September 1996, 3 p.m.
New York

President: Mr. Freitas do Amaral . . . . . (Portugal)

The meeting was called to order at 3.25 p.m.

Agenda item 120 (*continued*)

Scale of assessments for the apportionment of the expenses of the United Nations (A/50/888/Add.10)

The President: In a letter contained in document A/50/888/Add.10, the Secretary-General informs the President of the General Assembly that, since the issuance of his communications dated 28 February, 6 March, 3, 11, 16, 23 and 25 April, 10 May, 29 August and 9 September 1996, Bosnia and Herzegovina has made the necessary payment to reduce its arrears below the amount specified in Article 19 of the Charter.

May I take it that the General Assembly duly takes note of this information?

It was so decided.

Agenda item 65 *(continued)*

Comprehensive test-ban treaty

Draft resolution (A/50/L.78)

Letter from the Permanent Representative of Australia to the United Nations (A/50/1027)

The President: We shall now proceed to consider draft resolution A/50/L.78.

Before calling on the first speaker in explanation of vote before the vote, may I remind delegations that explanations of vote are limited to 10 minutes and should be made by delegations from their seats.

May I also remind delegations that the debate is now closed and that no new substantive proposals or amendments will be entertained.

Mr. Mwakawago (United Republic of Tanzania): Tanzania has all along been a staunch supporter and advocate of a comprehensive test-ban treaty (CTBT). We believed in the CTBT, and indeed we have always considered that it was the only viable first step leading to the total elimination of nuclear weapons. With this belief and in this spirit, my delegation has, over the years, supported and spearheaded the course of nuclear disarmament in various regional and international forums.

Thus, we followed with keen interest the CTBT negotiations in the Conference on Disarmament, which was mandated to

> "negotiate intensively a universal and multilaterally and effectively verifiable comprehensive test-ban treaty, which would contribute effectively to the prevention of the proliferation of nuclear weapons in all its aspects, to the process of nuclear disarmament and therefore to the enhancement of international peace and security." *(A/49/27, p. 8, para. 1)*

96-86171 (E)

This record contains the original text of speeches delivered in English and interpretations of speeches delivered in the other languages. Corrections should be submitted to original speeches only. They should be incorporated in a copy of the record and be sent under the signature of a member of the delegation concerned, *within one month of the date of the meeting*, to the Chief of the Verbatim Reporting Service, Room C-178. Corrections will be issued after the end of the session in a consolidated corrigendum.

We are afraid this mandate was not followed to the letter, and thus a negative contribution was made to the negotiating process on the treaty.

My delegation will abstain in the voting on this draft resolution due to the treaty's departure from its original mandated objective and the whole manner in which this treaty has hastily been brought before this session.

Rules of procedure have strictly guided the work of all bodies of the United Nations since its inception 50 years ago. The Conference on Disarmament, being the sole multilateral disarmament negotiating body, is a respectable organ which arrives at its decisions by consensus. This is a very important feature of the operations of the Conference on Disarmament. However, according to the report of its Ad Hoc Committee on a Nuclear Test Ban, document CD/1425 of 16 August, no consensus was reached either on the text or the action proposed. Therefore, the Conference on Disarmament was not in a position to present the text of the CTBT to the General Assembly for endorsement.

The subsequent move to submit a draft resolution to the General Assembly, together with the text of the treaty being circulated separately as a national document, does not conform to the cherished norms and the spirit of the Conference on Disarmament. My delegation is deeply concerned with this situation, which, to say the least, may set a bad precedent in the working mechanisms of the Conference on Disarmament. To this end, the confrontational atmosphere prevailing at the moment does not augur well for the Conference's credibility and its prospects in negotiating future disarmament treaties.

Turning to the CTBT text before us, my delegation has serious reservations because it does not live up to our expectations. The international community will not have a comprehensive nuclear-test- ban treaty, as we had originally envisaged. The treaty perpetuates the status quo by allowing the most technologically sophisticated nuclear-weapon States to continue with the vertical proliferation of nuclear arsenals through computer simulation. The treaty makes no positive contribution towards the total elimination of nuclear weapons, but rather continues to legitimize the perpetual existence of nuclear weapons in the hands of the few. And what is more disturbing is the fact that the draft treaty before us neither is comprehensive nor provides for future negotiations.

The nuclear disarmament process in a time-bound framework is another important factor excluded from this text. Without an internationally accepted concrete programme to eliminate nuclear weapons, some non-nuclear-weapon States will always have the urge to become nuclear Powers, while nuclear Powers will continue to compete for the qualitative advancement of their arsenals.

We therefore call upon the members of this Assembly, and especially the members the Conference on Disarmament, to seriously support the proposal by the Group of 21 for a programme of action for the elimination of nuclear weapons, contained in document CD/1419 of 7 August, as the first step towards the elimination of nuclear arsenals. The international community needs a treaty with an explicit and non-discriminatory nature that genuinely encompasses all countries to rid the world of nuclear primacy in the next millennium.

Mr. Mesdoua (Algeria) *(interpretation from French)*: Algeria contributed actively and responsibly to the drafting of the draft comprehensive nuclear test-ban treaty, which, in accordance with the mandate approved by the Conference on Disarmament and reaffirmed by the United Nations General Assembly, was to be universal and verifiable.

My country had already stressed at the Conference on Disarmament that the absence of a consensus text was due to the shortcomings of the text and to the fact that the draft treaty did not satisfactorily take into account the vital aspects of non-proliferation and nuclear disarmament.

Algeria reiterates its commitment to the existing role, mandate and rules of the Conference on Disarmament, the sole organ for multilateral negotiations on disarmament questions.

The Algerian delegation will nonetheless vote in favour of the draft resolution before the General Assembly. It considers the draft treaty to be a first stage towards the opening of substantial negotiations on universal and non-discriminatory nuclear disarmament.

That is the type of disarmament that the international community is fervently calling for. That appeal has been backed up by the International Court of Justice, which in its historic Advisory Opinion of 8 July 1996 recognized that on the part of all States

"There exists an obligation to pursue in good faith and bring to a conclusion negotiations leading to nuclear disarmament in all its aspects under strict and effective international control."

Ms. Ghose (India): In 1995 India participated in the adoption by consensus of General Assembly resolution 50/65 which, *inter alia*, called on the Conference on Disarmament to conclude a universal and multilaterally and effectively verifiable comprehensive nuclear-test-ban treaty which would contribute effectively to both nuclear disarmament and non-proliferation in all its aspects, so as to enable its signature at the outset of the fifty-first session of the General Assembly.

The draft resolution proposed for adoption today in document A/50/L.78 quotes only selectively from resolution 50/65 and proposes a text identical to the one on which there was no consensus in the body which had been charged with negotiating it. It has been presented as a national text to bypass the lack of consensus on it in the Conference on Disarmament. In addition, in a divergence from usual practice, the General Assembly is being asked to adopt the text, a function usually that of a conference of States which would wish to become parties to it. But so much that is unusual is happening at this session that one should perhaps not be surprised. The draft resolution also calls on all States to sign the treaty, even after it is known that the text is a non-consensual one.

The comprehensive nuclear-test-ban treaty (CTBT) requested by resolution 50/65 should have been one which would have contributed effectively to nuclear disarmament. During the negotiations we were convinced by the nuclear-weapon States that they had no intention of giving up their nuclear weapons. Weak preambular paragraphs have been included to pay lip service to nuclear disarmament, and stronger paragraphs which had been introduced by the neutral and non-aligned countries during the negotiations were ignored. India is, in any case, not satisfied with mere preambular references. We have seen the fate of such preambles in other treaties.

We had wished, and continue to wish, for a genuine commitment by the nuclear-weapon States to eliminate their nuclear weapons in a reasonable and negotiated finite span of time. Without such a commitment the treaty becomes an unequal one which retains the present discriminatory nuclear regime, sanctioning, in effect, the possession of nuclear weapons by some countries for their security and that of their allies, while ignoring the security concerns of other States.

Secondly, the CTBT envisaged by resolution 50/65 should have been one which would have contributed effectively to nuclear non-proliferation in all its aspects. The text presented for adoption bans only explosive testing. The reason for that is clear. Such a prohibition is today considered acceptable by the nuclear-weapon States, as they have already completed their programmes of explosive testing. They are well placed to exploit the lessons learned through their extensive testing programmes, through more sophisticated and non-explosive technologies. During the negotiations treaty language that would have signified an end to the qualitative development and upgrading of nuclear weapons, thus curbing vertical proliferation, was categorically rejected, and another key element of the mandate was thereby frustrated.

It is also our view, and indeed our concern, that this partial test-ban treaty is not only flawed but dangerous. As the 1963 partial test-ban Treaty, which banned nuclear testing in the atmosphere, resulted in a dramatic increase in the number of underground tests, we feel that this treaty, far from being a ban, will encourage a nuclear weapons technology race, a consequence that a CTBT should have prevented. As this text will not lead to the qualitative capping of the development of nuclear weapons, it cannot be considered an integral and first step in a nuclear disarmament process.

The CTBT requested by the General Assembly should have been one which was multilaterally negotiated and universal, one which would attract adherence by all States by meeting the concerns of all States. Our concerns were ignored. The flawed text which is now proposed for adoption was negotiated in its most critical aspects by a handful of countries and presented to the majority of the international community on a virtually take-it-or-leave-it basis. India could not accept this text in the Conference on Disarmament and cannot agree to it now in the General Assembly.

We also believe that the text fails in the overarching objective set out in the mandate reiterated in General Assembly resolution 50/65: "the enhancement of international peace and security". (*resolution 50/65, third preambular para.*) This is the striving of the entire world community. The text has betrayed this ideal. It has confirmed and perpetuated the existing global insecurity born of a world divided unequally into nuclear haves and have-nots.

General Assembly resolutions are expressions of the will of nations, in which multilateral treaties can find their sanction. General Assembly resolutions by definition cannot support violations of international law. The text circulated by the sponsors contains a provision in its article XIV on entry into force, which is contrary to the fundamental norms of international law. This provision, which makes ratification by India and 43 other countries essential for the entry into force of this treaty, was introduced after — and I emphasize, after — India had clearly stated that it was not in a position to subscribe to the treaty in its present form.

Customary international law lays down that no obligations can be imposed on a country without its specific consent. We had indicated that we would withhold our consent to the treaty text unless our concerns were addressed. We did not want such a provision on entry into force to be included in the text and repeatedly urged the Conference on Disarmament to change this article, so as to enable those countries who wanted the treaty, flawed though it was, to achieve it, if that was indeed their intent, though it would have been without India's signature. We could have prevented the present sad turn of events in which a text which runs contrary to customary international law has been brought for adoption to the General Assembly of the United Nations.

I would like to declare on the floor of this Assembly that India will never sign this unequal treaty — not now, not later. As long as this text contains this article, that treaty will never enter into force.

The draft resolution in document A/50/L.78 is as flawed as the treaty text it proposes for adoption.

For these reasons, and as the draft text falls far short of the mandate which reflected the will of the international community, India will vote against the draft resolution.

Mr. Hallak (Syrian Arab Republic) (*interpretation from Arabic*): Syria appreciates the efforts made by the Ad Hoc Committee on a Nuclear Test Ban and confirms its support for the international efforts to achieve comprehensive nuclear disarmament and the elimination of other weapons of mass destruction.

However, Syria regrets the fact that the nuclear-weapon States have rejected the important proposals submitted by the non-nuclear-weapon States aimed at reaching a balanced draft treaty text that could be adopted by consensus and would be consonant with the relevant General Assembly resolution and the comprehensive nature of the treaty. Syria also expresses its concern that some Member States have submitted this draft, which was not approved by consensus, to the General Assembly in a manner inconsistent with the responsibilities and functions of the Conference on Disarmament, to which the Assembly mandated the negotiation of a consensus text.

A treaty as important and sensitive as the comprehensive test-ban treaty and the obligations falling to all signatories should never have excluded the legitimate concerns of the non-nuclear-weapon States, which constitute the majority of the countries of the world and yet received no guarantees against the use or threat of use of nuclear weapons. The draft treaty makes no provision for these countries' receiving any form of the advanced technologies that are so important to their development. We still recall the events of the Review and Extension Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons (NPT), which demonstrated that the nuclear-weapon States have no wish to eliminate their nuclear arsenals.

The important and balanced observations that have been made on the draft text before us all agree on the fact that it neither includes any commitment from the nuclear-weapon States to eliminate their arsenals within a reasonable time-frame nor makes any clear reference to the illegality of the use or threat of use of nuclear weapons. Moreover, it fails to assert that the NPT must be universal if it is to put an end to nuclear proliferation in all its aspects. Many speakers here have agreed that the text before us is limited to banning nuclear explosions but not laboratory simulations, other tests or the qualitative development of nuclear weapons. They also agree that on-site inspection and verification might open the door for the misuse for political purposes of the data arising from national inspection and verification regimes.

The strangest thing about the text is that it gives its signatories the right to use and take measures against those that will not sign, including measures to be taken by the Security Council under Chapter VII of the Charter, in violation of the sovereign right of States to accede or not to any treaty.

The Syrian Arab Republic is seriously concerned by these loopholes, especially the unprecedented inclusion of Israel in the list of countries of the Middle East and South Asia and in view of the explosive situation in the Middle East resulting from Israel's exclusive possession

and qualitative and quantitative development of nuclear weapons. Furthermore, Israel has refused to accede to the NPT and to place its nuclear facilities under the safeguards regime of the International Atomic Energy Agency. This obstructs the efforts being made to establish a zone free of nuclear weapons and other weapons of mass destruction in the Middle East, thus endangering the region and potentially subjecting it to an Israeli nuclear threat.

For all of these reasons, the Syrian Arab Republic cannot support the draft resolution and will abstain in the voting.

Mr. Moubarak (Lebanon) (*interpretation from Arabic*): We consider the work of the Conference on Disarmament in the negotiations to draft this important treaty to be of great significance because it touches on the vital interests of all States, nuclear and non-nuclear alike. Lebanon sincerely hopes that these efforts will succeed in achieving the complete elimination of nuclear and other weapons of mass destruction. We appreciate these efforts while at the same time regretting that the contributions of the non-nuclear-weapon States towards achieving a balanced text were not taken into consideration in the draft before us.

This momentous treaty is as significant as the Treaty Banning Nuclear Weapon Tests in the Atmosphere, in Outer Space and under Water. We therefore believe that it must guarantee the future safety of all Member States and not flout the legitimate concerns of non-nuclear-weapon States. In particular, we refer to the need to reaffirm the importance of the Treaty on the Non-Proliferation of Nuclear Weapons (NPT), which guarantees against the use or threat of use of nuclear weapons against non-nuclear States and guarantees those States the technology necessary to their development.

The text of the test-ban treaty does not address laboratory simulations and qualitative improvement tests. It also contains unbalanced measures that worry us and sets the precedent of introducing the name of Israel into a regional framework. Moreover, it gives Israel certain advantages, particularly so long as it continues to refuse to accede to the NPT and impedes the establishment of a zone free of nuclear weapons and other weapons of mass destruction in the Middle East.

For all these reasons, the delegation of Lebanon will abstain in the voting on the draft resolution before us.

Mr. Nayeck (Mauritius): Mauritius signed the Treaty on the Non-Proliferation of Nuclear Weapons in April 1969 and wishes to re-emphasize its total commitment to the objectives contained therein, particularly on the issue of total nuclear disarmament and nuclear-weapons non-proliferation. Furthermore, we restated our commitment when, in 1993, we were one of the first countries to sign the Chemical Weapons Convention; most recently, this year we were the first African country to ratify the Treaty of Pelindaba.

Mauritius shares the disappointment of many Member States on the limited progress achieved so far on the issue of nuclear disarmament and the overemphasis placed on non-proliferation. Furthermore, it is noted that, even among the five major nuclear Powers, some have not as yet signed or ratified the Chemical Weapons Convention.

As far as the current negotiations regarding the comprehensive test-ban treaty are concerned, Mauritius understands the Indian apprehension regarding the finality of the treaty and it is our view that reference to the threshold countries in the treaty should have been avoided.

For the reasons enumerated, Mauritius regrets being unable to support the draft resolution and will therefore abstain.

Mr. Abdulai (Ghana): My delegation is speaking today to join the numerous speakers in the Assembly who have expressed their disappointment that the Conference on Disarmament could not place before us the consensus document that was called for by the General Assembly at its forty-ninth session.

We believe that the adoption of the comprehensive test-ban treaty (CTBT) should have been an occasion to lay a solid foundation for nuclear disarmament, reiterating our common desire to see the end of this category of weapons, acknowledged by us all to be evil. The failure of the Conference on Disarmament to adopt the document is a source of great disappointment, though we very much appreciate the reasons for this situation. We regret that the document does not include any commitment by the nuclear-weapon States to the ultimate goal of nuclear disarmament, without which non-proliferation will be meaningless in the long run. It leaves hanging over our heads the horrendous threat that the very existence of nuclear weapons poses to mankind.

It is our conviction that a treaty such as the CTBT should have been carefully drafted freely to attract the support of all, since it can otherwise not stand the test of time, not being universal and, if perceived as an unequal Treaty, perpetuating the present dichotomy between the privileged nuclear haves and have-nots.

For how long, may we ask, can the threshold States continue to abide by this treaty if the nuclear haves remain free further to improve on the quality and destructive capacity of their weapons and continue to display these as enviable sources of power and respectability in international politics?

We have no illusions about the long-term status of the document before us, but appreciate nonetheless the importance of the action we are called upon to take. We note that the entry-into-force provisions of article XIV virtually guarantee indefinite hibernation and are aware that the nuclear-weapon States agreed to it only because the era of nuclear-test explosions is being surpassed by modern technology, which can now permit nuclear-weapons tests without resorting to the explosions we so much abhor. This treaty therefore falls far short of the comprehensive test-ban treaty for which we have called over the years.

We are, however, prepared to join the majority of States in the symbolic act being undertaken, in the hope that this event will create the right atmosphere at the Conference on Disarmament for positive action in favour of eventual nuclear disarmament.

My country is a Party to the Treaty on the Non-Proliferation of Nuclear Weapons and adheres strictly to its provisions. We are also proud signatories of the Treaty of Pelindaba, which seeks to make the African continent a nuclear-weapon-free zone. We therefore regret that the objective of nuclear non-proliferation may not be fully promoted by the CTBT as we have it now, since so much doubt exists, even among the sponsors, and because, the opportunity having been presented, adequate steps were not taken to guarantee its long-term sustainability and operability.

My country is not a member of the Conference on Disarmament, but we wonder what impact the present precedent will have on its work. In spite of declarations here seeking to make the present exercise a one-time act and not a precedent-setting one, we have no guarantees that, in the future, documents facing the same problem in the Conference on Disarmament or, for that matter, in any other negotiating machinery, as did the present document, will not be removed from that organ to this Assembly. We will, however, leave a search for answers to the members of the Conference on Disarmament, who are best qualified to handle the situation.

The future of the treaty, however, lies with the nuclear-weapon States. We look to them, through their acts in favour of eventual nuclear disarmament, to bring all countries to accede to its intent and purpose. We could start with action along the lines of the non-proliferation Treaty:

> "to pursue negotiations in good faith on effective measures relating to cessation of the nuclear arms race at an early date and to nuclear disarmament ... under strict and effective international control." (*resolution 2373 (XXII), annex, article VI*)

In this regard, we look forward to early action in the Conference on Disarmament on the proposals of its members that are members of the Non-Aligned Movement containing a programme of action for the elimination of nuclear weapons. Serious action on the lines of these proposals will redress the gross inadequacies of the present draft and renew our hopes — the hopes of the international community at large — of achieving a world without nuclear weapons.

It is with this in view that my delegation is among the many that will today cast their vote in favour of draft resolution A/50/L.78.

The President: We have heard the last speaker in explanation of vote before the vote.

I should like to announce that Angola has become a sponsor of draft resolution A/50/L.78.

The Assembly will now take a decision on draft resolution A/50/L.78, entitled "Comprehensive nuclear-test-ban treaty". A recorded vote has been requested.

A recorded vote was taken.

In favour:

Afghanistan, Albania, Algeria, Andorra, Angola, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Belize, Benin, Bolivia, Bosnia and Herzegovina, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Cambodia, Cameroon, Canada, Cape Verde, Chile,

China, Colombia, Congo, Costa Rica, Côte d'Ivoire, Croatia, Cyprus, Czech Republic, Denmark, Djibouti, Dominica, Ecuador, Egypt, El Salvador, Estonia, Ethiopia, Fiji, Finland, France, Gabon, Georgia, Germany, Ghana, Greece, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, Hungary, Iceland, Indonesia, Iran (Islamic Republic of), Ireland, Israel, Italy, Jamaica, Japan, Jordan, Kazakstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Latvia, Liberia, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Malaysia, Maldives, Malta, Marshall Islands, Mauritania, Mexico, Micronesia (Federated States of), Monaco, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Netherlands, New Zealand, Nicaragua, Nigeria, Norway, Oman, Pakistan, Palau, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Samoa, San Marino, Saudi Arabia, Senegal, Sierra Leone, Singapore, Slovakia, Slovenia, Solomon Islands, South Africa, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Tajikistan, Thailand, the former Yugoslav Republic of Macedonia, Togo, Trinidad and Tobago, Tunisia, Turkey, Turkmenistan, Uganda, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Uzbekistan, Vanuatu, Venezuela, Viet Nam, Yemen, Zaire, Zimbabwe

Against:

Bhutan, India, Libyan Arab Jamahiriya

Abstaining:

Cuba, Lebanon, Mauritius, Syrian Arab Republic, United Republic of Tanzania

The draft resolution was adopted by 158 votes to 3, with 5 abstentions (resolution 50/245).

[Subsequently, the delegations of Burundi, Lesotho and Zambia advised the Secretariat that they had intended to vote in favour.]

The President: I shall now call on those representatives who wish to make statements in explanation of vote. May I remind delegations that explanations of vote are limited to 10 minutes and should be made by delegations from their seats.

Mr. Akram (Pakistan): Pakistan's views on the text of the comprehensive test-ban treaty (CTBT) contained in document A/50/1027 and our interpretations of some of its important provisions are as follows.

Pakistan has consistently supported the objective of a comprehensive nuclear-test ban as an essential step towards nuclear disarmament and as a means of promoting nuclear non-proliferation.

Negotiations on the CTBT, especially during its final stages, have lacked transparency, and the text produced is not entirely the product of multilateral negotiations conducted among all the members of the Conference on Disarmament. In significant areas the text does not take into account positions that are strongly held by a majority of States.

The basic obligations in article I are restricted to prohibiting nuclear test explosions, not all tests related to nuclear weapons. This treaty will not be as comprehensive as envisaged in the negotiating mandate of the Ad Hoc Committee. While Pakistan appreciates that it would at present be difficult to verify compliance with a comprehensive prohibition on all testing of nuclear weapons, this shortcoming should have been overcome by the inclusion of categorical commitments in the treaty that States shall not engage in testing which could lead to the qualitative development of nuclear weapons or production of new types of nuclear weapons. On the contrary, statements have been made that certain kinds of testing will be carried out. Nuclear test sites will be kept operational. The implications of the limitations in the basic obligations of the treaty are clear since the treaty is to be non-discriminatory and universal.

The treaty will fall short of the expectations of the international community as an effective measure for nuclear disarmament. This shortcoming should have been redressed by the inclusion in the text of the treaty of solemn and binding commitments to the achievement of nuclear disarmament and the complete elimination of nuclear weapons within a specific time-frame. Unfortunately, compromise proposals advanced by Pakistan for inclusion in the treaty text or the preamble are not reflected in the proposed treaty.

Like many other delegations, the Pakistan delegation has repeatedly affirmed that the verification of the CTBT must be accomplished primarily by the International Monitoring System and that on-site inspections must be rare and exceptional occurrences. In the context of the

verification of the CTBT, we note that the importance of due process requiring the approval of a significant majority of members of the executive organ of the Organization overseeing the implementation of the treaty has been recognized. This is essential, especially for sensitive procedures for on-site inspections. We take satisfaction from the fact that this represents an important reversal from assertions made earlier that the system of verification of the Chemical Weapons Convention would represent a standard for other multilateral disarmament agreements.

Given the serious implications of a decision to launch an on-site investigation, Pakistan has held that such a decision should be approved by a majority of at least two-thirds of the Executive Council. This is essential to deter frivolous or abusive requests for on-site inspections against targeted countries, especially since they will not be based exclusively on International Monitoring System data but also on data from national technical means. As a compromise, we have accepted that an on-site inspection must be approved by 30 of the 51 members of the Executive Council.

It is accepted that International Monitoring System information will hold primacy in the context of the treaty's verification and that national technical means data will not supersede the International Monitoring System data.

Pakistan has agreed most reluctantly to the use of national technical means for verification of the CTBT since the capabilities of States are entirely unequal in this respect. The use of national technical means must therefore be properly regulated. We note the stipulation that national technical means will be consistent with international law and the sovereignty of States. In the negotiations there was a clear understanding, which is inadequately reflected in the text, that this stipulation excluded any use or acceptance of espionage and human intelligence, which are excluded from the purview of national technical means. We shall reserve the right to take all necessary measures to preserve our national jurisdiction from foreign intrusion, whether technical or physical. Evidence of an attempt to infringe our security interests in this manner would also be regarded as "extraordinary events" under the relevant provisions of the treaty.

In this context, we welcomed the assurances contained in the statement made on 9 August 1996 by the Chairman of the Ad Hoc Committee on a Nuclear Test Ban regarding the potential abuse of national technical means. This statement is contained in the Ad Hoc Committee's report to the Conference on Disarmament, document CD/1425, which was adopted by the Conference on Disarmament on 16 August 1996 and constitutes an essential part of the negotiating record.

In the context of on-site inspections, there was an agreement to include an explicit provision that would clearly recognize the right of States to deny access to facilities and structures that are demonstrably not relevant to the basic obligations of the CTBT. This agreement should have been reflected more explicitly in the treaty text. However, we note with satisfaction that the treaty includes provisions which recognize, first, the right of an inspected State Party to take the measures which it deems necessary to protect its national security interests; secondly, the right to limit access for the sole purpose of determining facts relevant to the purposes of the inspection, taking into account the inspected State Party's right to protect national security interests; thirdly, the right, in the context of buildings and other structures, to impose prohibition on access with reasonable justification; and, fourthly and most importantly, the right to take the final decision regarding any access.

A list of countries is annexed to the treaty text, giving the regional distribution of States in the context of membership of the Executive Council. Such a list was unnecessary. We note the statement made by the Chairman of the Ad Hoc Committee that this list is CTBT-specific. Therefore it will not prejudice our position on regional membership in other international bodies. The actual composition of participants in regional groups in the context of matters relating to the CTBT will depend on the actual composition of the membership of the treaty. Regional groups will obviously be constituted by the States Parties to the Treaty.

We attach the highest importance to the provisions on entry into force, which provide that the treaty will enter into force once it has been signed and ratified by 44 States, including all the nuclear-capable States. The CTBT's effectiveness depends on its acceptance by all the States that have the technological capability and the legal latitude to conduct nuclear tests. Paragraph 2 of article XIV envisages consideration of measures to accelerate the entry into force of the treaty in case it has not entered into force three years after it has been opened for signature. It is clear, however, that these measures will have to be consistent with the provisions of paragraph 1 of article XIV, which cannot be circumvented by any means.

In the context of some statements that have been made here this afternoon, I would only like to add a proverb of uncertain origin: never say never.

Pakistan will take its own sovereign decisions regarding the time and conditions for its signature and ratification of the treaty. Our concerns regarding the current security environment in our region were stated in the Assembly yesterday.

The signature and ratification by a State of this treaty cannot constitute a legal commitment to its basic obligations until the treaty has entered into force.

In the context of article IX, I wish to make it clear that the conduct of a nuclear explosion by a third State would impact on our supreme national interests and constitute sufficient grounds for withdrawal from the treaty and from any obligations relating thereto.

Despite its shortcomings, the treaty contained in document A/50/1027 will constrain further development of nuclear weapons and thus contribute to the goal of nuclear disarmament and non-proliferation. Therefore, Pakistan voted in favour of draft resolution A/50/L.78, adopting the text of the comprehensive test-ban treaty.

Mr. Pham Quang Vinh (Viet Nam): Viet Nam voted in favour of the draft resolution contained in document A/50/L.78, by which the General Assembly has adopted a comprehensive nuclear-test-ban treaty (CTBT) and thus opened it for signature.

Viet Nam has consistently supported the comprehensive elimination of nuclear weapons and all positive measures towards that end. It has therefore been committed to the common objective of the early completion of the CTBT and its effective implementation.

Viet Nam's affirmative vote today reflects the long-standing, principled position of the Government of Viet Nam, together with its hope that the CTBT just adopted would constitute an important step against the proliferation of nuclear weapons and towards nuclear disarmament, despite the fact that there is yet room for its further improvement.

As it noted last August in Geneva during the Conference on Disarmament meeting on this issue, Viet Nam had hoped that the questions of ultimate comprehensive nuclear disarmament and of financial contributions, especially by non-nuclear-weapon States, would have been addressed more adequately.

As a developing country which has always been a non-nuclear-weapon State, Viet Nam believes that the nuclear-weapon countries should bear most of the costs of the implementation of the CTBT.

Viet Nam also regrets that the Conference on Disarmament was not been able to achieve the necessary consensus to adopt the text of the CTBT and transmit it to the General Assembly for endorsement.

Finally, having voted in favour of the adoption of the CTBT, Viet Nam recognizes that the current text does provide a number of important measures that, if implemented in good faith, would greatly enhance international cooperation for peace and nuclear disarmament. However, the adoption of the CTBT by the General Assembly without the consensus of the Conference on Disarmament should not in any way constitute a precedent for the future work of the Conference on Disarmament. The Conference on Disarmament is an important multilateral mechanism for negotiating disarmament treaties. Its role and prestige must be upheld.

Mr. Nasseri (Islamic Republic of Iran): Our positions on the comprehensive nuclear-test-ban treaty (CTBT) were included in the report of the Ad Hoc Committee on a Nuclear Test Ban of the Conference on Disarmament and have been expressed here during this morning's debate.

In explanation of the vote, therefore, I shall briefly recall that the premature halting of negotiations at the Conference on Disarmament led to a situation where the chances for consensus were all but lost. The procedure to use further short cuts in the negotiations and to rush the draft to this resumed session of the General Assembly was also unwarranted. This harmed the CTBT.

The draft did not meet the objective of comprehensively banning nuclear tests and thus left open the horrifying possibility of vertical proliferation and of a nuclear-arms race at another level. It also fell far short in the manner it referred to nuclear disarmament. It therefore does not meet the requirements of its mandate. We see no way for the CTBT to be meaningful, however, unless it is considered as a step towards a phased programme for nuclear disarmament within specific time-frames.

Based on the deliberations that took place on the issue of national technical means, we interpret the text as according only a complementary role to them and reiterate that they should be phased out with the further development of the International Monitoring System.

With regard to the composition of the Executive Council, the inclusion of Israel in the Middle East and South Asia grouping is objectionable. We express our strong reservation on this matter.

As stated before, we decided to support draft resolution A/50/L.78 only because, due to the irregular procedures adopted towards the end of negotiations, the sole option left was to choose a flawed treaty or abandon the treaty altogether. We expect, however, that efforts will be redoubled to find ways to rectify the existing shortcomings and flaws of the treaty within the means provided for in the CTBT, in the Conference on Disarmament and elsewhere.

Mr. Sha Zukang (China) (*interpretation from Chinese*): The Chinese delegation voted in favour of draft resolution A/50/L.78 on the comprehensive nuclear-test-ban treaty (CTBT). The CTBT text contained in document A/50/1027 referred to in the resolution represents the result of two and a half years of negotiations in the Conference on Disarmament and by and large reflects the realistic state of negotiations. It is therefore balanced in general.

However, the Chinese delegation is obliged to point out that the text of this treaty is not entirely satisfactory, as it fails to reflect fully the justifiable requests and reasonable positions of many developing countries, including those of China. In this respect, the Chinese delegation has to express its concerns.

First, the text of the treaty contains no reference to the conclusion of international legal instruments on non-first-use of nuclear weapons and non-threat-of-use of nuclear weapons against non-nuclear-weapon States and nuclear-weapon-free zones. Nor does it touch upon the conclusion of a convention on the comprehensive prohibition of nuclear weapons.

China has always held that, just like a comprehensive nuclear test ban, non-first-use of nuclear weapons and non-use or threat-of-use of nuclear weapons against non-nuclear-weapon States and nuclear-weapon-free zones constitute important steps towards the ultimate complete prohibition and the thorough destruction of nuclear weapons. The preamble of the treaty therefore should have fully reflected the common aspiration of the international community by indicating that it would continue to strive for the realization of those objectives following the conclusion of the CTBT.

Secondly, on the triggering basis of on-site inspections, the text treats the International Monitoring System and national technical means of verification as equals, without making the necessary distinctions between the two. Since sophisticated national technical means are possessed by only a few technically advanced countries, and the use of these means is fraught with subjectivity and discrimination, there exists the possibility of abuse or misuse of on-site inspections by certain countries. The Chinese delegation is seriously concerned over this and wishes to reiterate that the relevant provisions in the treaty text do not prejudice China's consistent position on national technical means.

Thirdly, on the decision-making procedure for on-site inspections, the relevant provisions in the text are less than fully reasonable. On-site inspections, being the last resort of the CTBT verification regime used under exceptional circumstances and possibly being politically confrontational and highly sensitive, constitute the most important substantive issue in the treaty and therefore should be approved by at least a two-thirds majority of all members of the Executive Council. The Chinese delegation accepted the option of approving on-site inspection requests by at least 30 affirmative votes out of 51 members of the Executive Council solely for the purpose of facilitating an early conclusion of the treaty, which calls for flexibility and compromise, and cannot be construed as changing its position on the decision-making procedure for on-site inspections under the CTBT.

Fourthly, on the criteria for the membership of the Executive Council, the text treats financial contributions to the treaty organization as one of the criteria, setting a bad precedent for multilateral treaty organizations. The Chinese delegation remains critical of this.

Fifthly, the text arbitrarily incorporates noble-gas monitoring into the International Monitoring System and even sets the scale of such monitoring means, despite the lack of sufficient technical assessment and a technical consensus. The Chinese delegation is deeply unsatisfied with this.

In addition, the Chinese delegation regrets that the Conference on Disarmament was not able to adopt the CTBT text by consensus and transmit it to the General

Assembly. As the only forum for multilateral disarmament and arms-control negotiations, the Conference on Disarmament consists of various political groups and represents various security interests. The current rule of consensus of the Conference on Disarmament is not merely a procedural arrangement; it is an important guarantee that no security interests of any group or State will be jeopardized. Therefore, adherence to this rule is indispensable.

The Chinese delegation would like to take this opportunity to solemnly state that the current practice of "bypassing" the Conference on Disarmament and directly transmitting the CTBT text, which had not been adopted by consensus by the Conference on Disarmament, to the General Assembly for endorsement shall not constitute any precedent for the work of the Conference. Only by adhering to the rule of consensus in its proceedings can the Conference on Disarmament continue to contribute to the preservation of international peace and security and to the advancement of the multilateral disarmament and arms-control process.

The Chinese delegation requests that this statement be placed on record.

Mr. Bakhit (Sudan) (*interpretation from Arabic*): Sudan voted in favour of the resolution by which the General Assembly adopted the comprehensive nuclear-test-ban treaty (CTBT), in particular because Sudan is convinced of the need to adopt internationally effective measures to ensure nuclear disarmament and to put an end to the proliferation of nuclear weapons. Sudan emphasizes the need to undertake sustained efforts to reduce arsenals of nuclear weapons throughout the world, with the goal of eliminating those weapons and of general and complete disarmament.

Having voted in favour of this resolution, Sudan would like to make a few comments regarding the treaty.

The treaty did not use strong enough language regarding the complete elimination of all nuclear weapons, nor did it lay down a precise time-table for this purpose. There are no provisions regarding States' abstaining from engaging in any activities involving their respective nuclear capacities.

Sudan would also like to express its keen regret that the treaty was not adopted by consensus but by vote.

Sudan hopes that the hasty transmission of the treaty by the Conference on Disarmament to the General Assembly will not set a precedent. This treaty should have been adopted by consensus in order to achieve its primary objective: the maintenance of international peace and security and the elimination of weapons of mass destruction.

Mr. Muntasser (Libyan Arab Jamahiriya) (*interpretation from Arabic*): The Libyan Arab Jamahiriya has always and in all international forums called for the complete elimination of weapons of mass destruction because of their highly destructive power and their effects, which cannot be limited to any place or time.

My country believes that the text presented to us falls short of the aspiration of peoples to the complete and comprehensive elimination of all nuclear weapons and tests, because it does not include a time-frame for the destruction of the nuclear arsenals possessed by the few. The formula proposed consecrates and perpetuates the status quo, and it also pre-empts the progress of peoples towards a world free of any nuclear threat.

The Libyan Arab Jamahiriya supports the effective ban on all nuclear tests and does not accept half-solutions, because this matter relates to the survival of humankind.

The President: We have heard the last speaker in explanation of vote after the vote.

Mrs. Albright (United States of America): Today's adoption by the General Assembly of a comprehensive nuclear-test-ban treaty (CTBT) is a milestone in our transition from the cold-war era to a new and safer time. Today nations of every size and outlook from every continent, reflecting every culture and background, joined in support of a total ban on nuclear-test explosions and other nuclear explosions of any size, in any place, at any time.

This was a treaty sought by ordinary people everywhere, and today the power of that universal wish could not be denied.

The effect of this treaty will be greater security for all our citizens, a healthier environment — especially in those regions where further tests might have been conducted — and a giant step closer to ending a nuclear arms race that has endangered human survival for most of the past half-century.

Trillions of dollars have been spent in recent decades developing ever more destructive nuclear weapons and delivery systems. Even so, the destructive potential of the atom has not been fully exploited or explored. Unless constrained by international agreement, the possibility of new and even more dangerous weapons will remain. Under the CTBT, however, the so-called vertical proliferation of nuclear armaments should end, and this generation of nuclear weapons will be the last.

An end to nuclear-test explosions will create a climate of confidence that will sustain today's trend towards smaller nuclear arsenals. It will also substantially reduce the risk that the number of countries possessing nuclear weapons will grow.

Overall, the CTBT reduces the danger of nuclear war and moves us towards the day when nuclear weapons will be nothing but a memory.

Approval of this treaty marks the fulfilment of a dream that began virtually with the dawn of the nuclear era. The realization of that dream has not come easy. It has been more than three decades since we took the first major step by banning tests in the atmosphere, in outer space and under water. And the text approved by the General Assembly today reflects years of arduous negotiation.

In contemplating the result, I am reminded of Benjamin Franklin's comment concerning the drafting of the United States Constitution:

> "When you assemble a number of [people] to have the advantage of their joint wisdom, you inevitably assemble with them all their passions, [opinions] ... local interests and ... views.
>
> "From such an assembly, can a perfect production be expected? It therefore astonishes me to find this system approaching so near to perfection as it does ... Thus I consent to this Constitution because I expect no better and because I am not sure it is not the best."

The text of the agreement approved today is not perfect in the view of my country or, probably, in that of any country; but it reflects a negotiating process that was fair and that does honour to the Conference on Disarmament in which it was conducted.

The broadly supported decision to place the treaty before the General Assembly in no way detracts from the Conference on Disarmament or its procedures. Rather, it reflects the conviction of nuclear and non-nuclear Powers alike that the time to approve a CTBT has come and that the hopes of people from around the world should at last be realized.

The United States congratulates and thanks the Government of Australia for sponsoring the treaty resolution approved today. Here in New York I particularly want to express my gratitude to Ambassador Richard Butler. We thank the four other nuclear-weapon States for giving this treaty their unanimous support. We are proud to be among the more than 120 countries that chose to sponsor the resolution, and we are delighted that the final vote was so overwhelming and broad-based.

After signature, the decision to ratify or not ratify will go to Member States, for action in each according to the sovereign procedures of each. We are confident that every country will choose — we hope sooner, rather than later — to join the global consensus in support of this treaty. There could be no greater gift to the future, and no better start to a new century, than a world in which this treaty is law from pole to pole, in every land, for all time.

The President: May I take it that it is the wish of the General Assembly to conclude its consideration of agenda item 65?

It was so decided.

The meeting rose at 4.35 p.m.